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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF

THE STATE OF INDIANA;

BEING THE

THIRTEENTH SESSION

OF THE

GENERAL ASSEMBLY;

BEGUN AND HELD

AT INDIANAPOLIS, IN SAID STATE,

On Monday the first day of December, A. D. 1828.

INDIANAPOLIS:

SMITH AND BOLTON, STATE PRINTERS.

1828.

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INDIANA STATE LIBRARY

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

AT THE THIRTEENTH SESSION OF THE

General Assembly of the State of Indiana,

BEGUN AND HELD AT THE CAPITOL, IN THE TOWN OF INDIANAPOLIS, ON MONDAY THE FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT; BEING THE DAY APPOINTED BY LAW FOR THE MEETING OF THE GENERAL ASSEMBLY.

The following members of the House of Representatives appeared and took their seats, to wit:

From the county of Wayne, *Abel Lomax, William Elliott, William Steele and John Finley.*

From the county of Dearborn, *Horace Bassett, James T. Pollock, George H. Dunn and Arthur St. Clair.*

From the county of Clark, *Isaac Howk, John M. Lemon and Joseph Work.*

From the county of Washington, *Hugh M'Pheeters, Robert M'Intire and Ezra Child.*

From the county of Harrison, *Dennis Pennington, James B. Slaughter and Robert F. Bell.*

From the county of Franklin, *David Wallace and Daniel St. John.*

51144

From the county of Switzerland, *John Dumont and John F. Dufour.*

From the county of Jefferson, *David Hillis and Nathan B. Palmer.*

From the county of Orange, *James Lynd and John B. Moyer.*

From the county of Knox, *Samuel Judah and John C. Riley.*

From the county of Fayette, *Samuel C. Sample and Marks Crume.*

From the county of Union, *James Leviston.*

From the county of Rush, *William J. Brown.*

From the county of Decatur, *Thomas Hendricks.*

From the county of Ripley, *Merit S. Craig.*

From the county of Jennings, *Ezra F. Pabody.*

From the county of Marion, *George L. Kinnard.*

From the county of Jackson, *William Marshall.*

From the county of Scott, *James Goodhue.*

From the county of Floyd, *Isaac Stewart.*

From the county of Crawford, *Seth M. Levenworth.*

From the county of Lawrence, *Vinson Williams.*

From the county of Monroe, *Enos Blair*

From the county of Sullivan, *George Boon.*

From the county of Posey, *John Y. Welburn.*

From the county of Vigo, *Demas Deming.*

From the counties of Vanderburg and Warrick, *William Trafton,*

From the counties of Spencer and Perry, *Samuel Frisby.*

From the counties of Pike and Dubois, *James Ritchie.*

From the counties of Daviess and Martin, *James G. Read.*

From the counties of Greene and Owen, *John M. Young.*

From the counties of Putnam and Clay, *Joseph Orr.*

From the counties of Parke and Vermillion, *Eliphalet Allen.*

From the counties of Montgomery, Fountain, and all the country North of the last named counties, and north of Vermillion to the Indian boundary, *Robert Taylor.*

From the counties of Shelby and Johnson, *Sylvan B. Morris.*

From the counties of Morgan and Hendricks, and all the country north of the last named counties to the Wabash River, *Thomas J. Matlock.*

From the counties of Randolph, Allen, and all the country lying north of Hamilton and Madison to the river Wabash, which is not by law attached to other Districts, *Daniel Worth.*

From the counties of Henry, Hamilton and Madison, *Elisha Long.*

From the counties of Bartholomew, and all the country lying west of the same, and east of Monroe, *Philip Sweetser,*

Who produced their credentials, and were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme court of this State.

The House then proceeded to the election of a Speaker; on the first ballot Samuel Judah had 24 votes, Isaac Howk 12 votes, Philip Sweetser 11 votes, Dennis Pennington 9 votes, and scattering 1 vote.

On the second ballot Samuel Judah had 26 votes, Isaac Howk 17 votes, Philip Sweetser 11, scattering 3 votes.

On the third ballot Samuel Judah had 27 votes, Isaac Howk 24 votes, Philip Sweetser 4 votes, scattering 2 votes.

On the fourth ballot Samuel Judah had 28 votes, Isaac Howk 27 votes, scattering 2 votes.

On the fifth ballot Samuel Judah had 26 votes, Isaac Howk 29 votes, scattering 2 votes.

Mr. Howk having received a majority of all the votes given, was declared duly elected Speaker.

The House then proceeded to the election of a principal clerk; and upon examining the ballots it appeared that James F. D. Lanier was unanimously elected, who was sworn into office by the Hon. Isaac Blackford, took his seat at the Clerk's table; and proceeded in the discharge of his duties.

On motion of Mr. Pennington,

The House then proceeded to the election of an assistant clerk, and on the first ballot Austin W. Morris had 14 votes, William H. Hurst 21 votes, William Sheets 12 votes, and John W. Davis 10 votes.

On the second ballot, Austin W. Morris had 17 votes, William H. Hurst 21 votes, William Sheets 10 votes, and John W. Davis 9 votes.

On the third ballot Austin W. Morris had 20 votes, William H. Hurst 25 votes, William Sheets 4 votes:

And then the house adjourned until 2 o'cloek, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Matlock,

The house resumed the election of assistant clerk, and on counting the fourth ballot, it appeared that Austin W. Morris had 21 votes, William H. Hurst 32, and William Sheets 4 votes.

William H. Hurst, having received a majority of all the votes given, was declared duly elected, and upon being sworn into office by the Hon. Isaac Blackford, proceeded in the discharge of his duties.

On motion of Mr. Child,

Resolved, that this House do now proceed to the election of an enrolling clerk, who shall not be sworn into office until his services are required by the House.

The House then proceeded in pursuance of said Resolution to the election of an enrolling clerk, and on counting the ballots it appeared that Henry H.

Talbott had 22 votes, Elisha M. Huntington 17 votes, David P. Shook 8 votes and Rollin C. Dewey 10 votes.

On the second ballot Henry H. Talbott had 26 votes, Elisha M. Huntington 20 votes, R. C. Dewey 9 votes, scattering 3 votes.

On the third ballot, Henry H. Talbott had 31 votes, Elisha M. Huntington 24, scattering 2 votes. Henry H. Talbott having received a majority of all the votes given, was declared duly elected.

The house then proceeded to the election of a Door Keeper, and upon counting the fourth ballot, it appeared William M. Doughty had 24 votes and John C. Parker had 32 votes.

Mr. Parker having received a majority of the whole number of votes, was declared duly elected; and after being sworn into office by the Hon. Isaac Blackford, proceeded in the discharge of his duties.

On motion of Mr. Read,

Resolved, That the clerk of this House inform the Senate that the House of Representatives have met, formed a quorum, elected Isaac Howk, Speaker, James F D. Lanier, Principal Clerk, William H. Hurst, Assistant Clerk, and Henry H. Talbot, Enrolling Clerk, and John C. Parker, Door Keeper, and are now ready to proceed to Legislative business.

And then the House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, December 2d, 1828.

The House met pursuant to adjournment.

On motion of Mr. Child,

Resolved, That the rules and joint rules which were adopted at the last session of the General Assembly of the state of Indiana, by the House of Representatives for their government, be and the

same are hereby adopted for the government of the House of Representatives during the present session; and that the Clerk furnish the public printer with a copy of said rules, and direct him to print immediately, one hundred copies of the same for the use of the members.

Resolved, That the Clerk inform the Senate of the adoption of these joint rules, and request the adoption of the same on their part.

On motion of Mr. Elliott,

Resolved, That the Secretary of State furnish thirty copies of the journal of this House, of the last session, and thirty copies of the revised code of this state, and the same number of copies of the laws of each succeeding year, for the use of this House.

On motion of Mr. Pennington,

Resolved, That a committee be appointed to wait upon the Rev. James Armstrong, and request him to attend in the Representatives' Hall, and open the present session of the General Assembly with solemn prayer; and that the Senate be informed thereof, and the adoption of a similar resolution on their part requested.

Whereupon,

The Speaker appointed Messrs. Pennington and Child said committee on the part of this House.

The Speaker announced to the House the following as the order of business, to be observed by the House during the present session; or until changed by the same:

1. Reading the Journals of the preceding day.
2. Petitions, memorials and remonstrances.
3. Reports from standing committees in the following order: 1. On Elections. 2. Of Ways and Means. 3. On the Judiciary. 4. On Education.— 5. On Military Affairs. 6. On the State Prison. 7. On the Affairs of the town of Indianapolis. 8. On

Claims. 9. On Roads. 10. On Canals and Internal Improvements.

4. Reports from select committees, (except the committee on enrolled bills, which may report at any time.)

5. Resolutions of this House.

6. Joint Resolutions.

7. Bills.

8. Orders of the day.

The Speaker then appointed the following standing committees, to wit:

1. A committee on Elections, Messrs. Reed, Matlock, M'Intire, Finley and Brown.

2. A committee of Ways and Means, Messrs. Hillis, M'Pheeters, Pennington, Riley, Elliott, Hendricks and Leviston.

3. A committee on the Judiciary, Messrs. Sweetser, Judah, Craig, Dunn, Wallace, St. Clair, Dumont, Sample and Frisbie.

4. A committee on Education, Messrs. Bassett, Child, Slaughter, Levenworth, Pabody, Morris and Trafton.

5. A committee on Military Affairs, Messrs. Marshall, Orr, Steele, Bell, Stewart, Lemon, Long and Kinnard.

6. A committee on the Affairs of the State Prison, Messrs, Palmer, Goodhue, Welburn, Blair, Lynd and Dufour.

7. A committee on the Affairs of the town of Indianapolis, Messrs. Child, Kinnard, Long, Crume, Morris and Worth.

8. A committee on Claims, Messrs. Boon, Young, Ritchie, Williams and Work.

9. A committee on Roads, Messrs. Lomax, Pollock, St. John, M'Intire, Read and Moyer.

10. A committee on Canals and Internal Improvements, Messrs. Judah, Deming, Allen, Worth, Taylor and Young.

A message was received from the Senate, by Mr.

Ray, their Enrolling Secretary, announcing that the Senate have adopted the following resolution, viz:

Resolved, That the House of Representatives be informed that the Senate have met, formed a quorum, elected James Dill Secretary, Charles H. Test Assistant Secretary, James M. Ray Enrolling Secretary, and Adonijah Morgan Doorkeeper, and are now ready to proceed to legislative business.

The Speaker laid before the House the following communication from W. W. Wick, Secretary of State:

Office of the Secretary of State,
December 1st, 1828.

The Hon. the Speaker of the House of Representatives—

SIR—Pursuant to law the House of Representatives are hereby informed, that on the 23d day of September last, a contract was made with Braddock Chandler, for the furnishing of fuel during the present session of the General Assembly, for the use thereof, at ninety cents per diem.

It having been subsequently ascertained that the said contractor had removed to a distant part of the county, a conditional contract was made with Robert Patterson, to furnish fuel if the said Chandler should fail, as was anticipated.

Mr. Patterson has commenced the delivery of fuel. His contract entitles him to ninety-nine cents per diem.

Respectfully submitted,

W. W. WICK.

On motion of Mr. Sweetser,

The above communication was referred to the committee of ways and means.

Mr. Boon presented the following resolution, for the consideration of the House, to wit:

Resolved, That the committee of ways and means be, and they are hereby instructed to report a bill

to this House, providing for an *ad valorem* system of taxation; which,

On motion of Mr. Matlock,

Was laid on the table.

Mr. Kinnard presented the following resolution for the consideration of the House:

Resolved, That N. Bolton, Editor of the Indianapolis Gazette, be admitted on the floor of this House, as Reporter of the proceedings thereof, and that he be permitted to have access to the journal whenever it shall be convenient for the Clerks to admit such access.

Mr. Judah moved to amend said resolution, by inserting after the word "Gazette," the words following:—"and such other persons as the Speaker may designate," and after the word "he," insert the words "or they."

Which motion was carried in the affirmative.

The said resolution was then read as amended, and adopted by the House.

On motion of Mr. Read,

Resolved, That a committee be appointed by this House, to wait on his Excellency, James Brown Ray, Governor of the state of Indiana, in conjunction with a similar committee to be appointed on the part of the Senate, to inform him that both Houses of the General Assembly have met, elected their officers, and are now ready to receive any communication he may please to make to them, and to learn of him at what time he would make such communication; that the Senate be informed thereof, and a similar committee be requested on their part.

Whereupon,

The Speaker appointed Messrs. Read and Finley said committee.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, by Mr. Test, their Assistant Secretary, announcing that the Senate have adopted the following resolution, to wit:

Resolved, That the Senate reciprocate the resolution from the House of Representatives, in their invitation to the Rev. Mr. Armstrong, to open the session by prayer, and inform them that the Senate is ready to meet the House for that purpose; and that Messrs. Given and Fletcher are appointed the committee on the part of the Senate.

The committee appointed for that purpose, came in, attended by the Rev. Mr. Armstrong, who took his seat by the Speaker, and the Senate came down into the hall of the house of representatives, and took their seats on the right of the speaker's chair; the president of the senate on the right of the speaker. The Rev. Mr. Armstrong then rose and addressed the throne of grace in an appropriate and impressive manner. The senate then retired to their chamber.

On motion of Mr. Craig,

Resolved, That the reporters admitted within the hall of the house of representatives shall subject their reports to the inspection of the speaker before committing them to the press.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing that the senate have adopted the following resolution, to wit:

Resolved, That a committee be appointed on behalf of the senate, to wait on his excellency, the governor, in conjunction with the committee appointed on the part of the house of representatives, and inform him that both houses of the General Assembly have met, elected their officers, and are now ready to perform their legislative business; and if he has any communication to make to the legislature, ascertain of him at what time and place he will please to make the same; and that the house of representatives be informed of the adoption of this resolution; and that Messrs. Ewing and Clark are appointed that committee on the part of the Senate.

On motion of Mr. Marshall,

Resolved, That a committee of two be appointed on the part of this house, as a committee of enrolled bills, to act with a similar commtttee to be appointed on the part of the senate.

Whereupon,

Messrs. Marshall and St. Clair were appointed that committee.

Ordered, That the clerk inform the senate thereof.

Mr. Pennington, after obtaining leave, presented a bill to amend the act entitled an act to amend an act concerning the auditor of public accounts and the treasurer of state; which was read the first time and ordered to a second reading to-morrow.

And also, a bill to amend the act entitled an act concerning the secretary of state; which was read the first time, and ordered to a second reading on to-morrow.

On motion of Mr. Child,

Resolved, That the public printer be, and he is hereby authorised to print five hundred copies of the journal of this house for the use of the members thereof, to be distributed as may be directed by the General Assembly, and that the clerk furnish said printer with manuscript copies of said journal daily as soon after being read as possible.

Mr. Sweetser presented the following resolution for the consideration of the house, to wit:

Resolved, The senate concurring therein, that the members of the senate and house of representatives shall meet at 10 o'clock, A. M., of each day, and continue in session until 4 o'clock, P. M., during the present session; and that the hour of adjournment from day to day be until 10 o'clock, A. M., of the following day. And,

On motion of Mr. Sweetser,

Said resolution was ordered to lie on the table.

Mr. Read, from the committee on that subject, reported as follows:

The committee appointed by the house of repre-

sentatives, to wait upon his excellency, the governor, have performed that duty, and beg leave to report, that they, in conjunction with the committee from the senate, have performed the duties assigned them, and that his excellency has returned for answer, that he has communications to make to the General Assembly, and that he will do so in person, in this house, at two o'clock, P. M.

The house then adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

A message was received from the senate, by Mr. Ray, their enrolling secretary, announcing that the senate have adopted the following resolution, to wit:

Resolved, That the Joint Rules for transacting business in the two houses of the General Assembly adopted at the last session, be adopted on the part of the senate, as the joint rules for transacting business in both houses, at the present session, and that the house of representatives be informed thereof.

On motion of Mr. Reed,

Resolved, That the Senate be invited to attend immediately in the Hall of the House of Representatives to receive the message of His Excellency the Governor, and that seats will be provided for them on the right of the speaker's chair.

Ordered, That the clerk inform the senate thereof.

The senate came down from their chamber, and took their seats on the right of the speaker's chair, in the hall of the house of representatives, the president of the senate on the right of the speaker—His Excellency the Governor came in, attended by the joint committee appointed to wait upon him, and, in person, in the presence of both houses, delivered the following

MESSAGE;

Gentlemen of the Senate,

And of the House of Representatives:

I FEEL myself imperiously called upon to declare, that the people of Indiana, are under no ordinary obligations to the Supreme Ruler of the Universe, to make to HIM their most profound acknowledgements, for the general diffusion of those divine benefactions, which have so signally characterized the past year. Peace, plenty and an increase of moral feeling, have since our last assemblage, blessed our growing community, with all their consolations in full fruition. And if a dense population, is in any respect essential to the happiness of a people, or the prosperity of a state, the continuous influx of emigration, which we are now experiencing, without a parallel, augur the most auspicious results to both. Our Agricultural interest, more than any other, the object of our regard, is likely to receive additional encouragement, from the hostile attitude which the nations of Europe, are assuming towards each other. The late rise in produce, (flour commanding $8 50 per barrel in the city of Baltimore) is most likely the effect of a cause, which it is very probable will not cease to exist, until it is sensibly felt in the western country, the grainery of America, in a beneficial manner, by its industrious yeomanry. If other nations will impoverish and disorganize themselves, in fruitless sanguinary wars, to gratify a fell desire for increased glory or enlarged territory, to satiate the vanity of ambition, without reason to justify the wrong, and create the necessity by the suffering armies they embody, let ours be the pleasing task of plucking the fruits of their folly.

Since our last separation, whilst we have witnessed with anxious solicitude, the belligerent operations of another hemisphere, the cross contending against the crescent, and a prospect of a general rupture amongst the legitimates of other quarters of the globe, superadded to the gloom which now hangs around the infant Republics of South America, our attention has been arrested by proceedings in our own country, truly dangerous to liberty, if seriously premeditated, and disgraceful to its authors, if agitated *only* to tamper with the American people. If such experiments as we see attempted in certain deluded quarters, do not fall with burst of thunder upon the heads of their seditious projectors, then, indeed, the republic has began to experience the days of its degeneracy. But, the enormity of the act, really weakens the credence which might otherwise be attach-

ed to the motive. Surely discord is not seated in her ancient throne so soon, in the land of Washington. These doings, we hope, are but the shadows of a vision. The union of these states is the people's only sure charter for their liberties and independence. Dissolve it, and each state will soon be in a condition as deplorable as Alexander's conquered countries, after they were divided amongst his victorious military captains. If it were believed, that those efforts for disunion, which have been recently made in some of the Southern states, are the work of reflection, they should be met at once with that indignant expression of disapprobation, by the state authorities, which such treasonable designs, should always call forth from the pen and tongue of the patriot.

No causes, such as are alledged, ought ever to be deemed sufficient to separate these states. They must be kept together *peacibly* if we can, *forcibly* if we must.

It is a mistake in those who suppose, that the Western states are dependent upon the cotton of the South, as an indispensable article of their necessities. These states are furnished with the most perfect means of independence. We consume considerable Southern cotton, it is true, but, if the productions of our soil, were not exchanged for it, how marked would be the diminution immediately, in the quantity consumed. And if our horses, hogs, cattle or other staples, shall ever be excluded from Southern markets, by unconstitutional laws, or non-consumption agreements, it will but give an impulse in these states, to the culture of *cotton*, hemp, flax and wool, which will soon take the place of foreign cotton. The newly invented machinery for manufacturing these articles, into a great variety of fabricks, once successful, our necessities for cotton, from other states, must soon grow as limited, as their's would seem to be, for our commodities. Be this as it may, it is an error to presume, that the people of Indiana, can be induced or forced to abandon their favorite internal improvement and domestic manufacturing systems, to secure to themselves the *comfort* and *honor* of wearing Georgia or Carolina cotton, whilst their own climate and soil, are capable of producing their variety of superior raw materials.

Except what has been referred to, nothing has occurred in our excellent country, to disturb the tranquillity of the people, or impair in the least, their progressive prosperity, since the people's representatives last consulted together, worthy of notice; unless the excitement which has arisen, and the example sat, by the late animated controversy for a Chief Magistrate of the nation, and the unusual and dangerous means resorted to, to effect the end desired, shall inflict a wound upon our admirable

institutions, of a character too deadly for even time in the plenitude of her sanctifying influences to heal. Then, indeed, this will be marked on the pages of history, as a year memorable for its misfortunes. But, the fondest hopes are cherished, that all of those wicked schemes, embittered feelings, acts of imprudence and dreams of ambition, engendered by the late Presidential election, will now, find a sudden oblivion, and that our Constitution, will still be saved, the Union preserved, and the General Government be administered with wisdom, prudence, and success. Let the head be sound and the extremities may recover.

The treatment which candidates for office and public servants too frequently receive, from the highest to the lowest; the practice of saying all manner of false and evil things about them—of slandering them without mercy—of attempting to bring them into disrepute, to destroy their usefulness—of questioning their motives and misrepresenting their acts, private and official, deserve the unqualified animadversion of every friend to good government in the country—of every friend to character—of the lover of justice—the lover of liberty and mind. Such wanton licentiousness, must in the process of time, induce talent, sensitive and modest worth, to leave those public stations in the government, where they might honor and bless their country and themselves, to be filled by the ambitious demagogue, the designing partizan, and sometimes the detractor of reputation himself. It is true, that the public servant, is the property of the people, as far as it respects a free investigation of his conduct—is at all times subject to their *legal* will and *sound* discretion; but, it never can be admitted, that because he assumes the character of a servant, any of his rights can be invaded with impunity, his reputation plundered, *his person insulted and abused*, or his feelings lacerated, without a palpable violation of the obligation which exists between him and the constituent.

In obedience to an act of the last General Assembly of this state, on the 4th of February 1828, I addressed a communication to the then Secretary of War, Mr. Barbour, for a construction of that part of the treaty of 1826, made with the Pottawatamie Indians, which relates to the cession of land, for a road, from Lake Michigan to the Ohio river; and in the month of April last, received the reply of the Secretary; which letter and answer, will be laid before the Legislature for its further information. It may be stated, however, for the public satisfaction that the Secretary at War, coincides with your Executive in opinion, that the State of Indiana, will not be confined, in the location of the sections of land, to the line of the road, in all cases where good land cannot be found alongits margin; but, may select such lands as she is willing to accept

of. It is also suggested by the Secretary, that it might be proper to consult the Indians as to the length of the road, and where it shall terminate at the Ohio river. But, that the state is constituted the sole trustee of all the parties, with full power to do what she in her wisdom may think proper, is not doubted by the Secretary of War. It now remains for you gentlemen, so to manage this grant, as to meet the wishes of all concerned: and without procrastination to cause its benefits to be realized. I would suggest that to sell the land, before the road is finished or even commenced, is at a single stroke, to sacrifice a considerable portion of this valuable boon, unnecessarily. Funds it is believed, may be raised by mortgaging the lands at an agreed estimate, and the mortgages be redeemed in due time, by the proceeds of the same land sales, at an advance far exceeding the amount of interest, which would accrue. Not having been informed by the Commissioners appointed to locate this road, what progress they have made in attempting to discharge their duty, it will be expected, that they will in a direct manner, lay before your honorable body the result of their labors. That economy, which it would be desirable to see practised by all bodies who hold the purse strings of the people; and that lofty magnanimity, high sense of justice and steady devotedness to the *general* and not *local* interest, which to the honor of Legislators, should predominate in their councils, call loudly, upon this occasion, for a spirit of compromise, equal to the hitherto apparent difficulties, which it will be necessary to overcome, in order to fix upon a point on the Ohio river, at which this road shall terminate. When legislation fails to effect this object, it is earnestly hoped, that it may not produce a further suspension of the progress of the road; but, that the dernier resort of Commissioners, selected by joint ballot, will be appealed to, whose duty it shall be to examine the country and the different eligible points at the river, as well as to consult the Indians, and then, by acting decisively, put a period to this contention, which appears to be unhappily intermingling itself with both the *politics* and *legislation* of the state. A prompt and decisive course is recommended in settling this question.

Any notice of the correspondence, which was opened during the past year, in virtue of the joint resolution of the General Assembly, between the Executive of the State of Ohio, and the Executive of Indiana, with respect to the grant of lands, made by Congress to this State, for a Canal, it is presumed, will be superseded, by the several acts of the last Congress of the United States, relative to that subject. This correspondence, was evidently authorised to obtain the views of the Ohio authori ties, as to the extent of this grant, and to ascertain the best plan

for applying it to the common advantage of the two States. An act of the last Congress, ceding to the State of Ohio, all that part of the former grant, made to Indiana, lying within Ohio, to enable her to construct that section of the canal within her limits, to wit, from Fort Wayne to the Maumee Bay, settles one of these questions; and another act of the same Congress, authorising a convention, of the qualified agents of both states, to define and secure the rights of the states and their citizens, upon principles of reciprocity, whilst carrying on their commercial operations, on a channel, subject to two jurisdictions, provides for the other. Mutual pledges, should be exchanged in the form of Law, by the States, against levying at any time more than certain defined or customary duties, on produce or Merchandize. These important preliminaries, with other points, may be settled, by the commissioners, which it is expected you will appoint, to negociate upon, and settle these questions. In the mean time, a large portion of your deliberations, will doubtlesly be occupied, in *devising* and *providing* the means to *prosecute* and *finish* the work with prudence, firmness and despatch. I cannot doubt the sincerity, that authorised the commencement of this State enterprise; and the plain alternative, which points to energetic steps, to secure to the State, the donation, the monies already expended, a market for our citizens, a high rank amongst her sisters, wealth, population, and general prosperity, cannot now be lost sight of, in this instance, by the friends of that beautiful and enriching system of internal improvements, which is now justly the theme of a majority of the American people.

The time has gone by for hesitation. We have already crossed the Rubicon. If we now push forward, like the states of New York, Pennsylvania, Ohio and other states have done, as duty, honor and interest prompt, a moiety of the means under any circumstances, must be raised by loan. The land, if sold for ready cash, will not produce a sufficient sum to cover the estimate of this undertaking.

But, if a sale of lands, should be deemed prudent at all, before the commencement or completion of the canal, let there be only every other section brought into market; making one half of the whole, to be first appropriated for the summit level section. This section sold, might afford an opportunity to the cultivator of the soil, to furnish our workmen with provisions, a little earlier and a little cheaper than they could be obtained elsewhere. The one retained, would secure to the State, the increased value, which the finished facility, must attach to it. Yet, if money could be acquired by us, upon the same terms,

that other states have obtained it, surely, it would be most politic to follow their successful example, and not sell our lands, until we *know* they are prepared to command the highest price. A *pledge* of the *state's faith and the lands*, subject to our right to bring any land, we think proper to sell, into market, as fast as the canal is completed through any portion of them, to extinguish the principal and interest, in whole or in part, will most likely secure a sufficient fund at once, at 5 or 6 per cent. and prevent the inevitable sacrifice of a premature sale. If we can negotiate a loan, redeemable in ten or more years, upon fair terms, then, it follows conclusively, in my mind, in order to obtain a high price, that all lands sold, at any time, should be disposed of, upon the same credit; but, that the purchase money, shall draw an interest from the time of sale, corresponding with that of the loan.

I received the surveys and estimates, of Major Moore, United States' Engineer, in the valley of the Wabash last year, in the month of August last, and laid them before the State Canal Commissioners, at their first meeting. No report has reached me, upon which I would predicate an opinion, of the data, these Commissioners have been collecting, by an actual examination of the route. They are responsible to *you* for their report of particulars.

What has been the result of a corps of U. States' Commissioners, in service this season in the lower Wabash country, to ascertain the obstructions in that river, is not yet known by your State authorities. The falls near the mouth of the White river, in the Wabash, has long since been known to be the principal obstruction to its free navigation. And their removal will be viewed as a work to be effected simultaneously with the Canal above, and as a continuation of it. The success of the latter, secures that of the former.

During the past season, about one million of acres of land, have been added to the already ceded territory in Indiana, by treaty with the Pottawatamie Indians, lying in the North Eastern part of the State.

This purchase, embracing the whole Elk Hart country, is a very valuable acquisition, on account of its fertility, and will soon be densely populated.

The report of the Secretary of State, of the decision of the people, in the several Congressional townships, relative to a sale of section sixteen, will necessarily bring before you the interesting subject of common schools. It will appear, that large majorities have been given at the polls in favour of a sale. It is for the Legislature now to act. There are now few obstacles in the way. Our inhabitants, have seen the necessity, and

call for an application of this gratuity, to educate their needy youth. The brightest prospects of our present infant population and their posterity, depend upon the wisdom with which this matter, is managed. We must bear in mind, that we are treading upon sacred ground, whilst maturing and arranging this vast concern. The capital, which we have under our control, to appropriate, to improve and happify a portion of the human race, is truly a large one. The one thirty sixth part of the lands in the State (allowing a deduction for waste) appropriated for these useful and benevolent objects, amount to full six hundred thousand acres. This quantity at one dollar and twenty five cents per acre, will produce seven hundred and fifty thousand dollars. And this sum funded, is worth an interest of thirty six thousand dollars annually. There may be schools organized in nine hundred townships in the state. At such a rate, the annual dividend to each township, would be forty dollars. This sum, would employ a qualified teacher, and support a *free* school, in every township in Indiana, three months each year. Should the land sell for a greater amount, than is here proposed, the number of schools, in each township, may be increased in proportion. With these means, and teachers ranked amongst the learned professions, with undoubted qualifications, you may lay a foundation, on which may be superstructed, an acceptable number, of the indispensible nurseries of freemen. Selling these lands upon a lengthy credit, funding the payments, requiring the payment of interest annually on the pain of forfeiture on the whole sum, would appear to be the policy, which might most likely cause the lands to bring the greatest amount, and at the same time secure an immediate aid to the system.

The establishment of a Land Office, or a Bank, upon a safe and solid basis, it is supposed, may reasonably, grow out of a determination to sell. And this necessity, will become stimore apparent, if you determine to sell the fee simple, and require the principal to be paid either in hand, or on a moderate credit. You will then, find it incumbent upon you, to seek some safe depository for this immense fund. The capital, or its representative a paper medium, might be loaned to the state, at simple interest, or by a correct financial operation, be made to realize *compound* interest. Yours, will now be the thrice gratifying duty, to adorn this fair portion of our west, with primary schools. Posterity, will award the compensation, by the monuments of gratitude, they will erect upon their memories.

Nor, can I suppose that female education, will escape the

attention of my honorable auditory. It is *that* better half of creation, who teach the most lasting moral, political and social lessons, and write them upon an ever-living recollection.

The State Seminary, at Bloomington, has, at length, taken the rank of a College, and President Wiley, from Pennsylvania, a very accomplished and scientific gentleman, has taken it in charge. The interest and success of this institution, call for an enlargement of the buildings, a library and such necessary apparatus as our pecuniary ability will enable us, at this time, to procure. The earlier we endow it with a liberal hand, the sooner may we expect to see it flourish, and rise to that elevated rank and reputation, which will tender a guarantee to the youth of the state, that they can receive an educution as complete and useful at home, as in other states. This necessary pre-requisite effected, the low price at which children are instructed and boarded at Bloomington, and the healthiness of its situation, will offer an additional inducement for giving this college the preference. And we should continually feel a lively solicitude to adopt the most effectual plans, from time to time, to bring the privileges of this institution, as much within the reach of the *poor man's child*, as practicable. As the money of the wealthy will secure to their offspring its advantages, it is the indigent who have the strongest claim upon your deliberations. A portion of the waste lands adjoining the institution, laid out and enclosed in *fields* and *gardens*, attached to it, and offered *free* of rent, to the industrious youth, without resources, who desires to enter college, would enable many a poor young man, gratified with such an opportunity, to acquire for himself, the rich blessings of a good education, by the labor of his own hands. Neither would a correct knowledge of either agriculture or horticulture, do the slightest injury to even those, who might not be forced by necessity, to till the ground, to improve the head. It ought not to be supposed too readily, that whilst the mind is treasuring up the weighty masses of science and literature, which are crowded upon it, that the healthful action and vigor of the body, can be neglected, without doing an irreparable injury to the health of the student.—Let us aim to improve rather than impair all of the parts that constitute the *man*, the *head*, the *heart*, and *body*.

The term of the State's Prison Superintendant, appointed by my predecessor, having expired, during the past season, it became my duty to provide for its management in future. After giving due notice, I closed a contract with James Keigwin.—From the agreement, filed in the Secretary's Office and subject to your inspection, it will appear that Mr. Keigwin has

undertaken to be at the whole of the expense of keeping the convicts and to pay to the State in addition the sum of $1650, 850 dollars of which, are to be laid out in improvements about the Penitentiary. These are terms highly favorable to the State, and are another proof in favour of this mode of punishment, and of the judicious location of the prison.

I would be very remiss in my duty to the public justice of the state, believing, that *certainty* of punishment, for a violation of the penal laws, is indispensible, to prevent the Commission of crime, if I were not, to seize upon this opportunity, to assure you, in plain terms, that the present amount of contingent fund, is not sufficient, to liquidate the contingencies of the year, and to enable the state Executive, to demand and procure the apprehension and return of fugitives, from her justice. It is with difficulty, that agents, can be procured, to spend their own time and money, upon the faith of a competent legislative allowance, several months in advance. Claims, however, for this kind of service, will be presented, accompanied with evidence and the nature of the case, which you are expected to honor.

The assessments of the present year, except the counties of Henry and Perry, from which there are no returns, amount to thirty six thousand six hundred and thirty five dollars 4-100. The number of polls returned, exclusive of these counties, are, forty three thousand three hundred and twenty five.

From the assessment lists, the Treasury may realize, by the 1st of January 1829, thirty thousand dollars. From old delinquent lists, there ought to reach the treasury, during the ensuing year, five thousand dollars. There were remaining in the treasury, an unexpended balance, on the 1st of December, inst. of eleven thousand three hundred and forty nine dollars, making the sum of forty six thousand three hundred and forty nine dollars of available funds. Thus, the resources of the state, are exhibited, for the demands of the financial year. The ordinary requisitions upon the treasury, for the ensuing year, including the civil list and contingencies, for the support of the Government, may advance to thirty eight thousand dollars, if two judicial circuits be made. The present revenue law, if faithfully executed next season, must provide for the treasury assessments, exceeding forty thousand dollars. Exempt from debt, except that payable at your will, and daily accumulating additional objects of taxation, our prosperity is as obvious, as the task of the committee of Ways and Means, will be easy, in fortifying the treasury.

Allow me, finally, to recommend to you, to pass Laws or Joint Resolutions, as follows, to wit:

To continue appropriations, to improve the navigation of the White rivers;

To memorialize Congress, to continue the National Road;

To provide Asylums for our Paupers, so as to comply with the requirements of the Constitution;

To punish habitual Drunkenness;

To declare a distinction between Grand and Petit Larceny, and fix appropriate punishments to each;

To require all Courts, to permit Jurymen to answer on oath, whether they have formed or expressed a decisive opinion, in the case they are empannelled to try, at the request of either party in the suit, to ascertain whether any cause of challenge exists or not;

To incorporate Agricultural Societies, with the view of more effectually improving the breed of animals, and of forcing that honorable branch of business into a science;

To encourage the culture of tobacco, hemp, cotton, wool and flax, to a greater extent than they have hitherto been, by authorizing premiums to be given for the best specimens of each;

To appropriate for a Library in the county of Marion, such a sum of money, as will place her upon an equal footing, with the other counties;

To procure a Fire Engine, for the better preservation of the Public Buildings, at this place, to be placed under the care of a Fire Company, organized in the town of Indianapolis, whose duty it *shall be* to use it to the best advantage, in case of fire on the State's property, and whose *privilege* it *may* be, to make use of it for the like purposes, on private property, as an equivalent for the attention, bestowed on the public interest;

To acknowledge our adhesion, to that system of just and equal policy, in the National Legislature, which unlocks the common treasure, of every American citizen, and distributes a portion of it back amongst them from whom it came, for internal improvements;

And to that system of home protection and encouragement, which gives us our *real* independence, and protects those who save our country in times of peril;

And to enquire into the practice of the three per cent. fund Road Commissioners, of cutting down timber in the public highways, and suffering it to remain there an unreasonable time, to the public annoyance, and to provide a remedy; and to appoint a day, in the ensuing year, for returning thanks, to the great Dispenser of universal good, for the blessings that surround us. Reserving to myself the privilege of communicating to you in separate messages, at all times, whatever else.

touches the public interest, and is proper to be made known; and relying upon your superior wisdom to originate every good measure, called for by your constituents, it is with deep reverence that I submit to you some of the reflections of a fallible mind, at this time. Recognizing your ardent aspirations, to labor assiduously, that you may in good time return to your fellow citizens and families, my co-operation shall be cheerfully accorded. May God help us!

On motion of Mr. Child,

Resolved, That the message of his excellency, the governor, be committed to a committee of the whole house and made the order of the day for Thursday next, and that the public printer be required to print twelve hundred copies of the same for the use of the members of this house.

On motion of Mr. Judah,

Resolved, That the committee on canals and internal improvements be directed to enquire into the expediency of instructing our senators and requesting our representatives in congress to exert themselves to procure an appropriation from the surplus funds of the post-office department, for the improvement of the road from Louisville, via Vincennes, to St. Louis, with leave to report by joint resolution or otherwise.

On motion of Mr. Levenworth,

Resolved, That a select committee of three be appointed to take into consideration the right the state of Indiana has to the unappropriated land within the same, and that said committee report by bill or otherwise.

Whereupon,

Messrs. Levenworth, Dunn and Sweetser were appointed said committee.

On motion of Mr. Hillis,

Mr. Orr was added to the committee on roads.

On motion of Mr. Goodhue,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of authorising the collection before a justice of the peace, of forfeitures on the bonds of justices of the peace and constables, where the sums demanded do not exceed the jurisdiction of said justice.

On motion of Mr. Wallace,

Resolved, That the senate be informed that the house of representatives is now ready to meet the senate in the hall of the house of representatives to be present while the speaker of the house of representatives shall open and publish the votes for governor and lieutenant-governor of the state of Indiana, and that the senate be requested to attend in this hall, where seats will be provided for them on the right of the speaker's chair.

The senate came down and took their seats on the right of the speaker's chair, the president of the senate on the right of the speaker. The speaker then, in pursuance of the constitution of this state, proceeded to open and publish the returns of votes for governor and lieutenant-governor, and having made some progress therein, the senate withdrew to their chamber—

And the House adjourned until to-morrow morning at 8 o'clock.

WEDNESDAY MORNING, Decemrer 3d, 1828.

The house met pursuant to adjournment.

Mr. Child moved to be excused from serving on the committee on the affairs of the town of Indianapolis; which motion was carried in the affirmative.

Mr. Worth presented a petition of Jno. P. Hedges and others, citizens of Allen county, praying that

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measures may be taken to complete the summit section of the canal to unite the waters of Lake Erie with the Wabash river; which being read, was referred to the committee on canals and internal improvements.

Mr. Child presented a petition of Margaret Richards and others, praying that William Richards, administrator of the estate of Gabriel Richards, dec'd, may be made guardian of the heirs of the said Gabriel Richards, deceased; which was read and referred to a select committee, of Messrs. Child, M'Pheeters and Bassett.

Mr. Hillis presented a petition of Jesse Rowland and others, residing in township four north, in Jefferson county, praying authority to make a specific disposition of the reserved section of said township; which was read and referred to the committee on education.

Mr. Finley presented a petition of George Holeman and others of Wayne county, praying that measures may be taken to sell particular portions of the donation of land by the congress of the U. S. to facilitate the completion of the canal to connect the waters of the Maumee with the waters of the Wabash; which was read and referred to the committee on canals and internal improvements.

Mr. Moyer presented a petition of John Kinney and others, of Orange county, praying an alteration in the militia law of this state; which was read and referred to the committee on military affairs.

Mr. Brown presented a petition of John M. Hudelson and others, of Rush county, residing in township 15, of range 10, praying for the passage of a law authorising the sale of the school section in said township; which was read and referred to the committee on education.

Mr. Ritchie presented a petition of Joseph Coombs and others, praying that commissioners may be ap-

pointed to re-locate the county seat of Dubois county; which was read and referred to a select committee, of Messrs. Ritchie, Read and Welburn.

Mr. Stewart presented a petition of John Kirkpatrick and others, residing in Clark county, praying that part of said county may be attached to the county of Floyd; which was read and referred to a select committee, of Messrs. Stewart, Lemon and Work.

Mr. Long presented a petition of Erasmus Powell and others, citizens of Shelby, Hancock and Madison counties, praying authority to locate a state road from Shelbyville to Andersontown, by the way of Greenfield; which was read and referred to the committee on roads.

The speaker laid before the house a petition of Joel Combs and others, praying a law to pass authorising three additional company musters and a battalion muster, in April in each year; which petition was read and referred to the committee on military affairs.

Mr. Blair presented a petition of George Henry, James Borland and Henry Stone, citizens of Monroe county, praying certain relief; which was read and referred to a select committee, of Messrs. Blair, Williams and Marshall.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Sample,

Resolved, That the senate be invited to attend in the hall of the house of representatives instanter, to complete the opening and publishing the votes for governor and lieutenant-governor, and that seats will be provided for them on the right of the speaker's chair

David Robb, member elect from the county of Gibson, came in, presented his credentials, and was sworn into office by the Honorable Bethuel F. Morris, president judge of the fifth judicial circuit of the state of Indiana, and took his seat accordingly.

On motion of Mr. Pennington,

The certificates of election of the several members of this house, were referred to the standing committee on elections.

The senate came down into the hall of the house of representatives, and took their seats on the right of the speaker's chair; the president of the senate on the right of the speaker. When, in the presence of both houses, the residue of the election returns were opened by the speaker, and published—when it appeared that for the office of governor, James B. Ray had received fifteen thousand one hundred and forty-one votes. Harbin H. Moore, for the same office, ten thousand nine hundred and four votes. Israel T. Canby, for the same office, twelve thousand three hundred and fifteen votes.

James B. Ray having received a plurality of the votes given, was, by the president of the senate, in the presence of both houses of the general assembly, declared duly elected governor of the state of Indiana, for the term of three years from this day.

For the office of lieutenant governor, it appeared that Milton Stapp had received seventeen thousand eight hundred and ninety-five votes, Abel C. Pepper, for the same office, seventeen thousand two hundred and sixty-two votes.

Milton Stapp having received a majority of the votes given, was, by the president of the senate, in the presence of both houses of the general assembly, declared duly elected lieutenant governor of the state of Indiana, for the term of three years from this day.

[For the vote as counted, see appendix at the end of the volume, marked "A."]

The committee appointed for that purpose, came in, attended by James B. Ray and Milton Stapp, governor and lieutenant governor elect; who then, in the presence of both houses of the general assembly, took the oaths of office prescribed by the constitution of the state of Indiana—which were administered by the Hon. Bethuel F. Morris, president judge of the fifth judicial circuit; after which his excellency, James B. Ray, delivered the following address:

GENTLEMEN:

I again meet you, summoned by the voice of my country, under a new election, to make another appeal to the Supreme Ruler of Worlds and Nations, whose omnipresent eye can never be eluded, for the faithful discharge of the duties of my new stewardship, during the time the constitution allows me to serve.

Whilst my heart is overflowing with gratitude, to my fellow-citizens for the renewed testimony of their confidence, which I have recently felt in a most effectual manner, allow my tongue, to congratulate you, and our young and flourishing community generally, *that* we have not provoked the majesty of Heaven to retaliation upon us, or given offence by our conduct to any of our neighboring states; *that* our land is full of blessings and prosperity, compared with the deplorable condition of most of the nations of the globe; *that* our minds and persons are free, and all of our rights secured by a written constitution; *that* ours is the Christian religion, whose salutary effects are demonstrated in softening the ferocious temper of the lion into that of the lamb—in refining and polishing society; *that* the clarion of war, is hung upon the closed doors of the temple of Janus, and Ceres is with us adorned with her garland

of corn; *that* in politics, the will of the majority, is the sovereign; in religion each one's will and conscience sovereign; *that* when one is charged with a violation of the laws, he is to be tried by his peers; *that* slaves cannot breathe or "sinews be bought or sold" in Indiana—*that* the states continue united—*that* the people continue to be jealous of their liberty, and punish usurpation with their authoratative veto—*that* the Union, is a knarled knot, not to be riven assunder by the poisonous breath of treason, faction or ambition; *that* the inflamatory spirits of the day, are falling victims to the manly and cool rebukes of the sober, wise and thoughtful; *that* the general government is ably, faithfully and prosperously administered, whilst it protects the industry of our own citizens, against a ruinous foreign competition, and distributes the treasury, as well to make roads and canals in the interior, as to build lighthouses and other improvements on the seaboard; *that* it is believed this policy will not be changed, by a change of Chief Magistrates; *that* the state of our adoption and choice, (bounded on every side, and interspersed throughout, with nature's beautiful navigable rivers and lakes, with her two turnpike roads crossing at right angles at the centre, and her canal running from her south western to her north eastern sections through the northern centre, and affording an outlet to the great commercial cities of the East in perspective, *has* entered the list of competition with a fair prospect of rivaling her most powerful sisters; *that* where, was lately the wigwam of the aborigines, in which they performed their superstitious ceremonies and frantic orgies, *where*, they often told the heart-thrilling story of their valorous deeds in war, and where their light feet pressed the unploughed earth in frightful dance, fields now wave with yellow grain, cities and villages and stately domes, stand dedicated to religious, political or in-

tellectual improvement; *that* we are rapidly increasing in population and resources; *that* we owe nothing; *and* that our burthens are light, and we contented and happy.

Although I entered into the late canvass, at a crisis fraught with as much danger to candidates for office, as this country has ever witnessed—at a time when the most fearful public excitement, that ever agitated the republic, had risen to its acme—at a time when the rights of *friend* and *consanguinity*, were swallowed up in the general fermentation of the day—at a time when the populace, were laboring under the most splendid artificial delusion and madness, that ever bewitched an intelligent society; at a time, when the candidate appeared to possess no other merit or demerit, than that he was the friend or opposer of one or the other of the brightest stars in our galaxy of heroes and statesmen—and at a time when the voice of merit was literally stifled by the spirit of party; yet, whilst under these circumstances, I could recognize those who earn their bread by the sweat of their brow in my support, myself hanging upon the skirts of no man, nor deriving strength from any party, but contending against the double force of its mighty influence, marshalled under two of the most controlling and popular names in the Union, my present success should be the source of more consolation and thankfulness, than that of any former period. Be assured, that I feel the weight of obligations that are upon me, to tender, in return my promise for a faithful servitude.

For all my acts, I shall be subject to the severest scrutiny of the people. That portion of charity and indulgence, always due to human infirmity, is all I ask for myself. Your best exertions in co-operation with mine, I ask for my country. To act in concert for the *future* good, without remembering, only with regret, the animosities, the personal, political, or par-

ty difficulties and broils of the past, will enable you to lay out your wisdom and intelligence to the best account. But, if party spirit should display her gory locks in your halls, or sectional jealousies deceive you, then, wholesome legislation must suffer an ignominous Martyrdom, at the shrine of passion, design and intrigue. As for myself, I will endeavor not to have different feelings towards those, who have not favored my political pretensions, than my fellow citizens generally. If my most active exertions, to preserve harmony, in the several departments of our government, shall meet with your approbation and be crowned with success, for the next three years, I shall be amply compensated for all the bitter cups, which it has been my lot, in common with other public men, to drink.

Nothing is received into the heart of a public man, with such a cordial welcome, as the consciousness of public approbation. It arouses all the slumbering faculties of the man, into redoubled vigilence. It awakens into being, a new zeal, to act with that circumspection, which will justify the confidence reposed. In gone by times, I know, that I have felt a lively interest in the honor and glory of the state.—My present feelings bear witness, that, in future, there shall be no abatement in resolution or exertion, to push forward the car of her prosperity.—*Now*, the time, is mine to promise—*hereafter*, yours, to call for its execution. Inflict upon me the severest punishment I can receive, your censure, when you are deceived by me; but, at all times spare me, Oh! spare me until I am heard. An audience, to justify or confess my deeds, is all I ask from a candid world.

The senate then retired to their chamber.

On motion of Mr. Child,

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of passing a

law requiring persons complaining of others for a violation of the sixtieth section of the act relative to crimes and punishments, approved January 20th, 1824, to take an oath or affirmation, before the authority where the complaint shall be made, that no other motive but a sense of duty influenced them in making it.

On motion of Mr. Dufour,

Resolved, That the committee on the judiciary be directed, to enquire if any, and if any, what amendments are necessary to the act entitled "An act providing for the settlement of decedents' estates, and for other purposes"—approved Jan'y 26th, 1824, and to the several acts amendatory thereto; more effectually to prevent the waste of deceased persons' property, with leave to report by bill or otherwise.

On motion of Mr. Finley,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to prescribe a uniform mode of doing county business, by a board of commissioners, to be elected anually, or otherwise, by the people.

On motion of Mr. Sample,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the law, so as to impose a penalty upon persons taking appeals for the purpose of delay in trials of the right of property taken in execution, and report by bill or otherwise.

On motion of Mr. Dunn,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing the law establishing circuit prosecuting attorneys.

On motion of Mr. M'Pheeters,

Resolved, That the committee on roads be instructed to enquire into the expediency of amending the law relative to working on public roads and

highways, with leave to report by bill or otherwise

On motion of Mr. Lemon,

Resolved, That a select committee be appointed to ascertain and report to this house, the unfinished business, if any, of the house at the last session.

When,

Messrs. Lemon, Goodhue and Marshall were appointed said committee.

The house then proceeded to consider the orders of the day.

The bill to amend an act entitled an act concerning the auditor of public accounts and treasurer of state, and the bill to amend an act entitled an act concerning the office of secretary of state, were severally read the second time, and committed to a committee of the whole house to-morrow.

The speaker laid before the house a communication from Wm. W. Wick, secretary of state, containing an abstract of votes given on the fourth Monday in August last, for and against the sale of section No. 16, in the respective congressional townships; which was read and referred to the committee on education.

And then the House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, December 4th, 1828.

The house met pursuant to adjournment.

The speaker laid before the house a further communication from Wm. W. Wick, secretary of state, containing a further abstract of votes given on the fourth Monday in August last for and against the sale of section No. 16, in the respective congressional townships; which was read and referred to the committee on education.

Mr. Lemon laid before the house a petition of the trustees of the town and corporation of Utica in

Clark county, praying that the inhabitants of said town may have the privilege of working the time required by law, on public roads and highways, within the limits of said town; which was read and referred to the committee on roads.

Mr. Matlock presented a petition of John Tipton and others, citizens of Logansport at the mouth of Eel river, on the Wabash, praying the incorporation of a society, under the name and style of the Eel River Seminary Society; which was read and referred to the committee on education.

Mr. Frisbie laid before the house the petition of Samuel Conner, of the town of Rome, in Perry county, praying the passage of a law authorising the building of a warehouse on part of water street in said town; which was read and referred to a select committee, of Messrs. Frisbie, Levenworth and Welburn.

Mr. Boon presented a petition, with accompanying documents, of the administrators of Westley Harrison, deceased, and Alexander Blackburn, guardian of the infant heirs of said Harrison, dec'd, citizens of Sullivan county, praying certain relief named therein; which was read and referred to a select committee of Messrs. Boon, Judah and Deming.

Mr. Taylor presented a petition of Joseph Callin and others, citizens of Fountain county, praying the passage of a law authorising the sale of reserve section No. 16, in range No. 7, township No. 21 north; which was read and referred to the committee on education.

Mr. Matlock presented a petition of John Tipton and others, citizens of Carroll county, praying the passage of a law appointing loan commissioners, and authorising a loan upon the faith of the state, for the purpose of completing the summit section of the canal connecting the waters of Lake Erie with the waters of the Wabash; which was read and re-

ferred to the committee on canals and internal improvements.

Mr. Welburn presented a petition of Wm. J. Lowry and others, citizens of Posey county, praying for the location of a state road from Mount Vernon in said county of Posey, to Collins' ferry on the Wabash; which was read and referred to the committee on roads.

Mr. Long presented a petition of Jacob Jones and others, citizens of Hancock county, praying the location of a state road from the town of Shelbyville in Shelby county, by the way of Greenfield in Hancock county, to Andersontown in Madison county; which was read and referred to the committee on roads.

On motion of Mr. Craig,

Mr. Riley was added to the committee on canals and internal improvements.

On motion of Mr. Pennington,

Mr. Robb was added to the committee of ways and means.

On motion of Mr. Lemon,

Mr. Goodhue was added to the committee on military affairs.

A message was received from the senate, by Mr. Ray, their enrolling secretary, announcing that the senate have adopted the following resolution, to wit:

Resolved, That the senate will, the house of representatives concurring therein, proceed to the election of a secretary, auditor and treasnrer of state, on this day, at two o'clock, P. M., and that the house of representatives be informed thereof, and a similar resolution on their part requested; and that Messrs. Maxwell and Simonson be appointed tellers on the part of the senate.

On motion of Mr. Pennington,

Resolved, That the house of representatives will meet the senate in their hall, this day, at 2 o'clock, P. M., for the purpose of electing a secretary of state,

auditor of public accounts, treasurer of state, and agent for the state for the town of Indianapolis.

When,

The speaker appointed Messrs. Pennington and Hendricks tellers, on the part of this house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Sample,

Resolved, That the committee on roads be instructto enquire into the expediency of subjecting town lots to a tax for road purposes; and also, to increase the quantity of labor now expended upon highways.

On motion of Mr. M'Pheeters,

Resolved, That the judiciary committee be instructed to enquire into the expediency of laying before this house a law for the purpose of processioning lands, with leave to report by bill or otherwise.

Mr. Morris offered the following resolution for the consideration of the house, to wit:

Resolved, That twelve hundred copies of the inaugural address of his excellency, the governor, be ordered to be printed for the use of the members of this house.

Mr. Welbourn moved to strike out "twelve," and insert "500."

Which motion was decided in the negative; and,

On motion of Mr. Palmer,

The further consideration of said resolution was indefinitely postponed.

On motion of Mr. Dumont,

Resolved, that one hundred copies of the several reports of the secretary of state, respecting the congressional school townships in this state, for and against a sale of the school lands, be printed for the use of the members of the general assembly.

On motion of Mr. Frisbie,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the statute making provision for the reclaiming

fugitives from labor, and that they have leave to report by bill or otherwise.

On motion of Mr. Goodhue,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the act entitled "an act for the settlement of decedents' estates," approved Jan'y 26, 1824, and the acts amendatory thereto, so that the powers now granted to the associate judges of the several circuit courts, by those acts, be hereafter vested in a probate judge in each county; and that they have leave to report by bill or otherwise.

On motion of Mr. Craig,

Mr. Wallace was added to the committee on military affairs.

Mr. Steele presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee on military affairs be instructed to reduce the number of musters in this state, to one muster in each year, and at the same time, provide amply for all volunteer companies.

On the question being put, Will the house adopt said resolution? The same was decided in the negative.

Mr. St. Clair, after obtaining leave, presented a bill to revive the act entitled an act to amend an act entitled an act for the relief of those who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the sixth of March, 1826, approved Jan'y 11th, 1827; which was read the first time and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The house resolved itself into a committee of the whole, on the bill to amend the act concerning the office of secretary of state, and after some time spent

therein, the speaker resumed the chair, and Mr. Hillis reported said bill without amendment; and,

On motion of Mr. Bassett,

Said bill was recommitted to the judiciary committee.

The house resolved itself into a committee of the whole, on the bill entitled an act to amend an act concerning the auditor of public accounts and treasurer of state; and after some time spent therein, the speaker resumed the chair, and Mr. Judah reported progress, and asked leave to sit again.

Which motion was refused by the house.

Mr. Pennington then moved to recommit said bill to the committee of ways and means.

Which motion was carried in the affirmative.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Bassett,

Resolved, That the clerk inform the senate, that the house are now ready to meet them in the representatives' hall, to elect a secretary, auditor, treasurer of state, and agent of state for the town of Indianapolis, and that seats will be provided for them on the right of the speaker's chair.

The senate came down into the hall of the house of representatives, and took their seats on the right of the speaker's chair; the president of the senate on the right of the speaker.

The two houses then proceeded, by joint ballot, to the election of a secretary of state; and on counting the ballots, it appeared that James Morrison, for that office, had received forty votes, and Wm. W. Wick thirty-four votes.

James Morrison having received a majority of the whole number of votes given, was, by the president

of the senate, in presence of both houses of the general assembly, declared duly elected secretary of state, for the term of four years from and after the 14th day of January, 1829.

The two houses then proceeded by joint ballot to the election of a treasurer of state; and on counting the ballots, it appeared that Samuel Merrill had received for that office, seventy-four votes, scattering four votes.

Samuel Merrill having received a majority of all the votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected treasurer of state, for and during the term of three years, from and after the 29th of December, 1828.

The two houses then proceeded by joint ballot, to the election of an auditor of public accounts; and on counting the first ballot for that office, it appeared that Morris Morris had received twenty-three votes, Benjamin I. Blythe twenty-five votes, Harvey Gregg twenty-three votes, and Benjamin F. Wallace eight votes. Neither of those persons having received a majority of the whole number of votes given, the two houses then proceeded to a second ballot; upon counting which, it appeared that Morris Morris had received thirty votes, Benjamin I. Blythe thirty-one votes, Harvey Gregg seventeen votes, and Benjamin F. Wallace one vote. Neither of those persons having yet received a majority of all the votes given, the two houses then proceeded to a third ballot; upon counting the same, it appeared that Morris Morris for that office, had received forty votes, Benjamin I. Blythe thirty-four votes, and Harvey Gregg five votes.

Morris Morris having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected auditor of pub-

lic accounts for the state of Indiana, for the term of three years, from and after the close of the present session of the general assembly.

The two houses then proceeded by joint ballot, to the election of an agent of state for the town of Indianapolis; and upon counting the ballots for that office, it appeared that Ebenezer Sharp had received fifty-one votes, and that Jordan Vigus had received twenty-seven votes, scattering one vote.

Ebenezer Sharp, therefore, having received a majority of all the votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected agent of the state for the town of Indianapolis, for the term of three years, from and after the close of the present session of the general assembly.

And then the house adjourned until to-morrow morning, nine o'clock.

FRIDAY MORNING, Decemrer 5, 1828.

The house met pursuant to adjournment.

The speaker laid before the house the annual report of Samuel Merrill, treasurer of state—also his reports concerning the Seminary Funds, to wit:

Indianapolis, Dec. 3, 1828.

Sir,

Herewith are submitted to be laid before the House of Representatives, the following documents:

No. 1. The annual report of the Treasurer of State.

No. 2. A report in relation to the Loan Office.

No. 3. A list of the borrowers of the Seminary funds with the amount obtained and security given by each.

No. 4. A statement of the expense of stationary for the public printer and for the use of this Legislature.

No. 5. The expenditure of the Contingent fund.

I have the honor to be, &c.

SAMUEL MERRILL.

The Speaker of the House of Representatives.

(NO. 1.)

TREASURY DEPARTMENT,

Indianapolis Dec. 3, 1828.

In obedience to the "act concerning the Auditor of Public Accounts, and the Treasurer of State," the following report of receipts and expenditures on account of the State of Indiana is respectfully submitted.

Amount in the Treasury, Dec. 1, 1827,			$19153 24
Receipts from that time to Nov. 30, inclusive, viz.			
From the revenue assessed for	1822,	$306 25	
" " " "	1823,	683 34	
" " " "	1824,	323 90	
" " " "	1825,	225 98	
" " " "	1826,	375 10	
" " " "	1827,	24491 81	
" " " "	1828,	2720 32	
From assessments not previously reported to Auditor		103 43	
Total Revenue		$29736 14	
Penalties on Collectors for not paying in time		93 38	
From A. Campbell, Super. French Lick		100 00	
Fines on persons conscientiously scrupulous of bearing arms		174 40	
From sales of lots in Indianapolis		4104 85	
" " " Seminary Lands		8087 87	
From Admr. of B. McAughery who left no heirs		23 04	
Interest paid in advance on loans of Seminary funds		1007 40	
Total Receipts			$43321 08
Making in all			62474 32

Expenditures during the above period.

For printing for the last Legislature and paper,

&c. for the present		$2901 67
" Contingent expenses		309 15
" State Library		75 38
Expenses of last legislature.		
Pay and mileage of members	$9540 88	
" of Clerks and Door keepers,	1311 00	
		10851 88
Salaries of Adjutant and Quartermaster Generals		80 25
" of Executive officers		2482 53
" of the Judiciary		6063 20
" of Prosecutors		818 58
Premiums for Wolf scalps		400 00
Expenses of the Presidential Election		160 30
" of State Prison		315 04
House rent for Governor,		161 10
Specific appropriation for State Library		100 00
For Stationary for last legislature		265 51
Special allowances		699 74
Making the ordinary expenses of the state		$25684 33
Appropriations out of Seminary funds		261 39
Salary of Superintendent and books for Loan Office,		82 55
Interest paid President State Seminary		652 50
" on Treasury notes		1 41
Treasury notes burnt		41 00
Salary and allowance for agent Indianapolis		287 16
Auditor's per centum		25 97
Paid on appropriation for Governor's house		850 00
" " for Road and Canal Fund		5350 00
Salary of Agent at French lick		100 00
Appropriation for boring at do.		500 00
Loans made to sundry persons from the Seminary fund		16790 00
Leaving a balance in the treasury of		11548 01
		$62474 32

The State is at present liable for the following claims.

Interest on Seminary fund	$1573 59
Due on contract for Governor's house	1190 00
Of the appropriation for the Wabash Canal, there is undrawn	1300 00

Judiciary claims not audited	1400 00
Executive do. do.	100 00
Prosecutors' do. do.	358 75
Adjutant and Quartermaster General's do.	75 00
Agent for Indianapolis do.	100 00
Appropriations for improving Laughery	250 00
Total	$6357 34

Which, when paid, will leave in the Treasury $5090 67

The ordinary expenses of the current year may be estimated at 26,000. In addition to what has been received of the revenue of 1828, there will probably yet come into the Treasury the sum of $27,000 00. From former delinquencies there will probably be paid during the year as much as will be left unpaid of the revenue of 1828. There will therefore be $6,090,-67 applicable to such measures beyond the ordinary expenditures as the Legislature shall direct.

Respectfully submitted.
SAMUEL MERRILL.

(NO. 2.)

REPORT IN RELATION TO THE LOAN OFFICE FOR THE SEMINARY FUNDS.

The funds placed in the loan office under the "act to authorize the loaning of the Seminary funds," were received as follows:

From Neely, Smith and Wilson, late commssioners of the Seminary Township, in Gibson county for lands sold	$2371 96
Interest on the same under the law authorizing a loan for the benefit of the state	678 11
James Smith commissioner, collected and paid for rents	62 00
Jesse Emerson	57 00
James Borland commissioner of the Township in Monroe has paid for lands sold, &c. in his township	12146 68
James Smith commissioner of the township in Gibson has paid for the lands sold, &c. in his township	3544 19
Interest paid in advance on loans	1007 40
	$19867 34

There has been loaned of said fund	16790 00
Allowance to Neely, Smith and Wilson	150 00
State Treasurer	111 39
Superintendant's salary and books for office	82 55
Paid orders of President of State Seminary	1159 81
Balance on hand	1573 54
	19867 34

By the reports of the commissioner of the township in Monroe county, it appears that one section in said township had been previously sold, and three sections were reserved from sale by the Legislature; that of the 256 half quarter sections exposed to sale by him, thirty-one were accounted first rate, ninety-seven second rate and 128 third rate. On the 25th November last, there remained unsold, one first rate, ten second rate and seventy third rate half quarter sections. The balance of principal yet to be paid on the lands sold in said township is $21 047 95, of the interest due in October last in advance for the second year, not one fourth was paid as required by law.

Previous to September, 1827, there had been sold of the Seminary Township in Gibson county, fifty-eight half quarter sections. Of the 230 remaining, eleven were accounted first rate, 27 second rate and 192 third rate. On the 5th August last, there remained unsold 2 first rate, 8 second rate and 140 third rate, half quarter sections. The balance of principal then due on the lands sold in that township was $8010 46. There was also at that time $547 46 in the hands of the commissioner, of funds previously received, which was not paid over in time to be included in the furegoing statement. The loans from this office have been secured according to law without taking into consideration the value of perishable improvements. The applications for loans having nearly trebled the amount on hands, their claims were decided by lot; unless otherwise, the funds hereafter coming into the office, will be loaned in the same manner.

Respectfully submitted.
S. MERRILL, Sup'dt.

(NO. 3.)

A LIST OF THE BORROWERS OF THE SEMINARY FUND WITH THE AMOUNT OBTAINED AND SECURITY FOR EACH.

Names.	*Amount borrowed.*	*Security.*	*Valuation.*
Reuben Joy	$160 00	120 Acres of Land	$1800 oo
John Ungles	70 00	80	140 oo
John W. Redding	250 00	160	1720 oo
Maurice Baker	$166 00	165 acres land.	$1000 oo
William S. Hughey	60 00	80	195 oo
John M. Coleman	500 00	172	3000 oo
Joseph Corvill	100 00	62	800 oo
Martin D. Bush	84 00	80	250 oo
David Fisher	250 00	160	594 oo
John Berry	500 00	279	1200 oo
Wm. & Ephr'm Arnold	107 00	160	Not appraised.
Francis M'Laughlin	133 00	80	Valued at 480 oo
John Pogue	120 00	80	400 00
Henry & Rob't Brenton	200 00	240	Not appraised.
Robert Stafford	113 00	80	Valued at 360 00
Nathan Harland	112 00	80	275 00
Harvey Bates	100 00	Lot in Indianapolis	500 00
Edward Heyzer	100 00	80 acres land	425 00
Samuel Jennison	60 00	80	127 00
Obediah Harris	166 00	160	1360 00
David Martindale	68 00	80	400 00
William Townsend	66 00	80	200 00
William Snodgrass	240 00	out lots of Bloomington	680 00
Jacob Colip	500 00	160 acres land	1270 00
Frederick Baylor	50 00	32 1-2	225 00
Zadock Smith	233 00	80	600 00
William M'Ilvain	104 00	40	325 00
John Allison	133 00	160	660 60
Thomas Burns	200 00	160	not appraised.
Morris Morris	500 00	160	valued at 1360 00
Willard B. Cobb,	150 00	80	600 00
John Stevens	50 00	106	500 00
Samuel Herriot	250 00	80	550 oo
Noah Leverton	180 00	80	475 oo

Names.	*Amount Borrowed.*	*Security.*	*Valuation.*
William D. M'Cullough	150 00	lot in Blooomington	1000 00
Erasmus Powel	210 00	160 acres land	500 00
James Clark	83 00	201	700 00
Benjamin Williams	165 00	80	390 00
Wolf Yong Hoffman	50 00	40	240 00
William Gregory	100 00	173	750 00
Richard Kinnaman	87 00	80	278 00
David Reed	300 00	155 1-2	825 00
John F. Dufour	500 00	125	1200 00
Isaac Stipp	200 00	153	800 00
William Sumner	500 00	160	1600 00
William M'Lane	500 00	160	1510 00
William Gentry	500 00	320	1900 00
Paul Way	130 00	60	$540 00
Joses Campbell	200 00	120	480 00
Samuel Brown	75 00	46	200 00
John E. Clark	106 00	56 1-2	300 00
Benjamin Bull	80 00	out&inlots of Martinsville	160 00
Francis M'Clelland	33 00	80 acres land	330 00
Israel Phillips	200 00	160	460 00
Jacob Rawzell	30 00	20	90 00
Jehu Perkins	500 00	457	2428 00
John L. Spann	150 00	63	752 00
Francis M'Clelland	150 00	80	420 00
Frederick Broninburg	300 00	297	900 00
Richard Blackledge	100 00	30	350 00
David Matlock	50 00	160	400 00
Isaac D. Huffman	28 00	60	210 00
James Logan	63 00	140	370 00
Henry Hurst	250 00	151	756 00
Samuel Henderson	430 00	100	valuation made with other property but deemed ample.
Harvey Bates	233 00	80	520 00
Thomas Henton	180 00	130	600 00
Archibald C. Reed	250 00	80	1310 00
Samuel C. Vance	385 00	157	770 00
Arthur S. Vance,	500 00	40	1400 00
James Noble	500 00	lots & 169	1000 00
Winthrop Foote	600 00	do. 220	1410 00
James Casler	131 00	96 3-4	450 00
Cranes and Ward	500 00	160	1200 00
Daniel Bland	200 00	80	530 00
George Taffe	100 00	80	500 00
William Pope	120 00	80	400 00

David Edwards	250 00	160	800 00
Daniel Boas	140 00	80	450 00
Amos Dickerson	500 00	271	1584 00

A correct statement.

SAMUEL MERRILL, *Tr.*

(NO. 4.)

Stationary for the public printer, and for the use of the Legislature at their session of 1828—9.

Bought of John Sheets,			
100 reams royal printing No. 3, cost		$4 50	$450 00
66 " medium " " 5,		3 00	198 00
6 " cap " " 3,		2 75	16 50
10 " fine post " " "		4 00	40 00
15 " " " " 1,		3 75	56 25
10 " " " " 2,		3 50	35 00
Paid Lodge for boxes, &c.			
Bt. of Drake and Conclin,			
2 lb. wafers		c. $1 25	2 50
10 " sand		10 00	1 00
2 bunches office wafers		62 1-2 & 37 1-2	1 00
3 doz. ink powder		1 33	4 00
2000 quills		50	10 00
1000 "		1 00	10 00
300 "		2 00	6 00
200 "		1 75	3 50
100 "			3 00
1 doz. tape			1 00
2 "—cork ink-stands		1 00	2 00
1 " sand boxes		1 00	1 00
box			50
Bt. of Neff & Brothers.			
1 dozen candle sticks			1 50
1 " snuffers			2 00
Bt. of E. & I. Johnson.			
3 bolts galloon		62 1 2	1 88

Bt. of E. Poor	
2 boxes candles 84 1-2 lbs. 10. box 25	8 96
Paid Hagar for hauling	28 00
Paid Bay do.	25 00
	$913 58

A correct statement.
S. MERRILL, *Treasurer.*

(NO. 5.)

Amount charged to the contingent fund from the 3d December, to the 30th November, 1827, inclusive.

December, 28, 1827.	
Error in addition of sundries, page 392,	$1 00
January 30, 1828.	
Paid N. M'Carty for stationary for the use of the Governor, Secretary, Auditor and Adjutant General	64 25
May 1.	
Paid S. Henderson for postage on public letters charged to the several Exeeutive officers	52 94
September 1.	
Paid N. M'Carty for stationary for the several Executive officers	46 29
Paid Smith & Bolton for printing blank forms on the Governor's order	30 00
November 2.	
Paid S. Henderson for postage	80 36
Paid Looker & Reynolds, S. Penn, P. Force and Yandes & Porter for advertising and carriage for the state	24 31
Paid Elliot, McDonald and Neely in part for expenses on Michigan road	10 00
	309 15

A correct statement,
S. MERRILL, Treas.

Mr. Pennington moved to refer so much of said report as relates to the finances, to the committee of ways and means, and so much of the same as relates to the seminary funds, to the committee on education.

Which motion was carried in the affirmative.

The speaker laid before the house a communication from Chesley D. Baily, recorder of Monroe county, enclosing certain forms required by him to be laid before the house of representatives, by an act of the last general assembly; which were read and referred to the committee on claims.

The speaker laid before the house, a communication from William W. Wick, secretary of state, containing an abstract of votes given in this state, at the last annual election, for and against a convention; which was read; and,

On motion of Mr. Child,

Referred to the committee on the judiciary.

The speaker laid before the house, a report from William W. Wick, secretary of state, respecting additions made to the state library within the last year.

Which being read, was,

On motion of Mr. Trafton,

Referred to the committee on claims.

Mr. Judah presented a petition of the board of trustees of the borough of Vincennes, praying certain amendments to their act of incorporation; which being read, was referred to a select committee, of Messrs. Judah, Dunn and Riley.

Mr. Boon presented a petition of Hugh S. Ross and others, citizens of Sullivan county, praying the passage of a law, requiring the board of county commissioners of said county, to lay off Busseron creek into districts, and appoint supervisors and allot hands to open and keep in repair, said creek as other public highways; which was read and referred to a select committee, of Messrs. Boon, Orr and Young.

Mr. Young presented a petition of Ezekiel Herington, of Greene county, praying to be divorced from his wife, Affey Herington, (late Affey Fields;) which was read and referred to a select committee, of Messrs. Young, Trafton and Hendricks.

Mr. Orr presented a petition of John Rawley, of Putnam county, praying certain relief therein named; which was read and referred to the committee on claims.

Mr. Child, from the select committee to whom was referred the petition of William Richards and others, reported a bill to authorise William Richards, administrator of the estate of Gabriel Richards, deceased, to act as guardian of the minor heirs of said Gabriel Richards.

Which was read the first time, and passed to a second reading to-morrow.

Mr. St. John moved to reconsider the vote taken on Tuesday last, on the resolution offered by Mr. Craig; which reads as follows:—"*Resolved*, That the reporters of this house submit their reports to the inspection of the speaker of the house, prior to their publication in the press."

Which motion was carried in the affirmative.

Mr. Hillis then moved to postpone the further consideration of said resolution indefinitely.

Which motion was carried in the affirmative.

Mr. Reed presented the following resolution for the consideration of the house:

Resolved, That the committee on the judiciary be instructed to enquire, if any, and what amendments are necessary, to the act entitled an act to provide for the election of president and vice-president of the United States, with leave to report by bill or otherwise.

Mr. Sample moved to amend said resolution, by striking out the word *judiciary*, and inserting "elections," in lieu thereof.

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution, it was carried in the affirmative.

On motion of Mr. Williams,

Resolved, That the committee on roads be in-

structed to enquire into the expediency of altering the law for working on roads and highways, so that all hands shall work on roads and highways whenever the supervisor may think proper.

On motion of Mr. Long,

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the act providing for the settlement of decedents' estates, so as to authorize any associate judge that may have been appointed executor or administrator, to make settlement in the circuit court.

On motion of Mr. Levenworth,

Resolved, That the committee on military affairs enquire into the expediency of so altering the military laws, as to give all fines collected from delinquents at company musters, except conscientious fines, to the commandants of the respective companies in which said fines may be collected, to be appropriated for the sole use and benefit of said company, to pay music, provide a stand of colors, &c.

On motion of Mr. Dufour,

Resolved, That the chairman of the committee on canals and internal improvements, be instructed, forthwith, to address one or more of the canal commissioners of the state of Ohio, respectfully requesting for the benefit of this house, a statement of the costs of constructing and keeping in repair, such part of the Miami canal which has been completed, together with the amount of tolls received, cost of collection, and such other practical information which experience may enable them to communicate, and which may assist this house in legislating understandingly, on the subject of canals in this state.

Mr. Williams presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of altering the law for assessing and collecting the reve-

nue, so that the lister and collector shall advertise, and meet the people, in their different townships or districts, for that purpose.

Mr. Sweetser moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. St. Clair presented the following resolution for the consideration of the house, to wit:

Resolved; That Henry H. Talbott, enrolling clerk of this house, be now sworn into office. When,

On motion of Mr. Palmer,

Said resolution was ordered to lie on the table.

Mr. Sweetser, after obtaining leave, presented a bill to amend an act entitled an act attaching certain territory to the counties therein named, approved January 16th, 1828; which was read the first time and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The bill to revive the act entitled an act to amend an act entitled an act for the benefit of those persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire, on the morning of the 6th of March, 1826, approved Jan. 11th, 1827, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The house then adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The house resolved itself into a committee of the whole on the message of his excellency, the governor; and after some time spent therein, the speaker resumed the chair, and Mr. Sweetser reported, that the committee of the whole, have had the same under consideration, and adopted sundry resolutions relative thereto; which are as follows, to wit:

1. *Resolved*, That so much of his excellency, the governor's message, as relates to the correspondence between Mr. Barbour, secretary of war, and the executive of this state, relative to the Michigan road, be referred to the committee on roads.

2. *Resolved*, That so much as relates to the correspondence between the executive of the state of Ohio, and the executive of the state of Indiana, be referred to the committee on canals and internal improvements.

3. *Resolved*, That so much as relates to the sale of lands contiguous to the Wabash canal, be referred to the committee on canals and internal improvements.

4. *Resolved*, That so much as relates to the navigation of the Wabash and White rivers, be referred to the committee on canals and internal improvements.

5. *Resolved*, That that part which relates to the decision of the people, respecting the sale of the sixteenth section in the several congressional townships, be referred to the committee on education.

6. *Resolved*, That that part which relates to the state seminary at Bloomington, be referred to the committee on education.

7. *Resolved*, That that part which relates to the state prison, be referred to the committee on claims.

8. *Resolved*, That that part which relates to the assessment and revenue law, be referred to the committee of ways and means.

9. *Resolved*, That that part which relates to memorializing congress on the subject of the national road, be referred to a select committee consisting of five members, with leave to report by bill or otherwise.

10. *Resolved*, That that part which relates to asylums for paupers; to punish habitual drunkenness; to declare a distinction between grand and

petit larceny—respecting courts and jurymen, and to incorporate agricultural societies, be referred to the committee on the judiciary.

11. *Resolved*, That that part which relates to the library in Marion county, and to the procuring of a fire engine, for the better preservation of the public buildings, be referred to the committee on the affairs of the town of Indianapolis.

In which several resolutions, he asked the concurrence of the house; and,

On motion,

The house concurred therein generally.

The speaker then appointed Messrs. Child, Wallace, Elliott, Kinnard and Deming, a committee in pursuance of the 9th resolution.

Mr. Craig presented the following resolution for the consideration of the house, to wit:

Resolved, That so much of the governor's message as relates to the treatment which candidates for office and public servants receive from their constituents, be referred to the committee on military affairs.

Mr. Palmer moved to amend said resolution, by striking out the words "military affairs," and inserting "elections."

Which motion was decided in the negative.

And on the question to adopt said resolution, the same was decided in the negative.

The speaker laid before the house the annual report of the auditor of public accounts.

AUDITOR'S OFFICE,

Indianapolis, Dec. 4, 1828.

In obedience to an act concerning the Auditor of Public Accounts, and the Treasurer of State, the following report is submitted.

This sum remaining in the hands of the Treasurer on the 1st day of December, 1827, provided all claims audited to that date have been paid	$19,122 62

Since the above period to the 1st December, 1828, there has been paid into the treasury on account of balances due for the years 1822, 1823, 1824, 1825 and 1826		2,414 57
From collectors of the Revenue for the year 1827		24,497 82
do. do. 1828		2,720 32
From unlisted lands as reported by Treasurer		103 43
Penalties on certain Collectors		93 38
A. Campbell, superintendent of Rock Lick,		100 00
Fines on persons conscientiously scrupulous of bearing arms		174 00
Sale of lots in Indianapolis		4,104 85
Sales of Seminary lands		8,087 87
Administrator of B. M. Aughery's estate		23 04
Interest on loans of Seminary monies paid in advance, as reported by treasurer		1,007 40
Making in all		62,449 70
Since the above period there has been audited on account of transporting convicts to State's Prison		315 04
Salaries of Prosecuting Attornies		818 58
Judiciary Department		6,063 20
Executive Department		2,482 53
Salaries of Adjutant and Quartermaster Generals		80 25
Pay of Members, Clerks and Doorkeepers, including expenses of the last General Assembly		10,851 88
Interest on treasury notes	1 41	
do. on Seminary monies	652 50	
Books for loan office and Superintendents' salary	82 55	
		736 46
State Library		78 38
Specific appropriation		1,487 74
Printing and distributing laws and journals of last session, and for stationary, &c. of present session		2,901 67
Seat of Government		1,163 13
Agent of French Lick		100 00
Appropriations for boring at French Lick		500 00
do. of road and canal fund		5,850 00
Wolf scalps		400 00
Presidential election		160 00
Treasury notes burnt		41 00

Contingent expenses for 1828	309 00
	34,336 31
Amount of Seminary monies loaned as reported by Treasurer	16,790 00
	51,126 31
Which deducted from 62,449 70, leaves a balance in the treasury on the 1st day of December, 1828	11,323 39
The assessments from all the counties in the state except Perry, amounts to (for 1828)	37,035 07
From unlisted lands and polls for 1828.	
Vanderburgh	26 03
Rush	7 06
Greene	6 56
	37,074 76

The number of polls assessed in all the counties except Perry is (for 1828,) 43,892.

Respectfully submitted.

B. I. BLYTHE, A. P. A.

The above report was read and referred to the committee of ways and means.

The speaker also laid before the house, the following, being the annual report of the agent of the three per cent. fund: [See Appendix C.]

The above report was read, and referred to the committee on roads.

And then the house adjourned until 9 o'clock to-morrow morning.

SATURDAY MORNING, DECEMBER 6th, 1828.

The house met pursuant to adjournment.

The speaker laid before the house the following communication, to wit:

INDIANAPOLIS, December 5th, 1828.

To the Senate and House of Representatives—

GENTLEMEN—The board of canal commissioners of the Wabash and Miami canal, respectfully beg leave to suggest, that they will not be able to present their report within the time required by law; they therefore ask that the further time of one week be given them to complete the same.

Respectfully submitted.

SAMUEL HANNA,
ROBERT JOHN, } *Com'rs.*
DAVID BURR,

Mr. Judah after obtaining leave, presented a joint resolution to prolong the time allowed the board of commissioners of the Wabash and Miami canal, to make their report; which was read the first, second and third times, (the rule of the house having first been dispensed with,) and adopted.

Ordered, That the clerk carry the same to the senate, and ask their concurrence therein.

On motion of Mr. Dumont,

Mr. Dufour was added to the committee on roads.

On motion of Mr. Child,

Mr. Palmer was added to the committee on education.

The speaker laid before the house the following communication from B. I. Blythe, auditor of public accounts, to wit:

AUDITOR'S OFFICE,
INDIANAPOLIS, Dec. 5th, 1828.

To the Honorable the members of
the House of Representatives—

GENTLEMEN—At the last session of the general assembly, $500 was appropriated for premiums on wolf scalps; that appropriation is now exhausted: I therefore, think it my duty to inform you, and wish to know by resolution or otherwise, whether I shall continue to audit accounts of that nature.

Respectfully, &c.

B. I. BLYTHE, A. P. A.

Which was read, and referred to the committee on education.

On motion of Mr. Lomax,

Mr. Finley was added to the committee on education.

Mr. Trafton presented a petition of Levina Cone, late Levina Boyd, praying to be divorced from her husband, Hiram Cone; which was read and referred to a select committee of Messrs. Trafton, Young and Hendricks.

Mr. Hillis, from the committee of ways and means, to which was referred the bill to amend the act entitled an act to amend the act concerning the auditor of public accounts and the treasurer of state, reported the same with an amendment; which was twice read and concurred in by the house.

Said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Lemon, from the select committee to which was referred the unfinished business of last session, made the following report, to wit:

The select committee to whom was referred a resolution of this house on the subject of the unfinished business of last session, have performed that duty, and find the following unfinished business, to wit:

1. A bill authorizing the surveying and marking the boundary line between the counties of Clark and Washington, No. 44.

2. A bill legalizing the proceedings of the trustees of town three north, of range two east, in the Jeffersonville district, No. 45.

3. A bill to provide for the survey of canal routes in the state of Indiana, No. 91.

4. A bill to authorize the trustees of the Fayette county seminary to draw their part of the seminary fund, No. 68.

5. A bill declaring Silver creek a public highway from its mouth, to the mouth of Preston's Fork of said creek, No. 147.

6. A bill to incorporate the managers of the Madison and Indianapolis turnpike company, No. 129.

And your committee further report, that they have partially examined the foregoing unfinished business, and from the best view they can take of the subject, they recommend the adoption of the following resolution, to wit:

Resolved, That bills No. 44 and 147 be referred to select committees, and that 91 be referred to the committee on canals and internal improvements; and that No's. 45, 68 and 129 be indefinitely postponed.

On motion of Mr. Sweetser,

Said report was ordered to lie on the table.

On motion of Mr. Kinnard,

Resolved, That the committee on the affairs of the town of Indianapolis, be directed to enquire into the expediency of appropriating a portion of the proceeds of the sales of lots in Indianapolis, to the purpose of procuring materials for building a state house in said town.

Resolved, That said committee also enquire into the expediency of ordering a sale of lots in the town of Indianapolis.

Resolved, That said committee also enquire into the expediency of making an appropriation to provide suitable furniture for the governor's house in Indianapolis, with leave to report by bill or otherwise.

On motion of Mr. Trafton,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law authorizing domestic attachments, approved Jan. 2d, 1824, as to compel each claimant before he files his claims, to give security in double the amount of his demand, payable to the defendant or defendants, in the same manner as the person who first sues out the attachment.

Mr. Child moved to reconsider the vote taken on the adoption of the resolution presented by him, (Mr. Child,) on last, relative to the number of copies of the journals of this house to be printed.

Which motion was carried in the affirmative.

Mr. Child then moved to amend said resolution by striking out the words "five hundred," and inserting in lieu thereof, "seven hundred."

Which motion was carried in the affirmative.

The resolution as amended, was then adopted by the house.

The following message was received from the senate, by Mr. Ray, their enrolling secretary, to wit:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that they have, on this day adopted "a joint resolution to prolong the time allowed the board of commissioners of the Wabash and Miami canal, to make their report," which originated in this house.

Mr. Boon moved to take up the resolution presented on yesterday, relative to swearing into office the enrolling clerk of this house.

Which was carried in the affirmative.

The question then recurring on the adoption of said resolution, which reads in the words following: "Resolved, That H. H. Talbott, enrolling clerk of this house, be now sworn into office."

And the same was carried in the affirmative.

Henry H. Talbott, enrolling clerk of this house, was then sworn into office by Obed Foote, Esq., one of the justices of the peace for Marion county, and proceeded in the discharge of his duty.

On motion of Mr. Dufour,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of providing, by law, further remedy to prevent trespassing, by cutting timber, dilapidating fences and other trespasses against real and personal property, with leave to report by bill or otherwise.

On motion of Mr. Sample,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the act amendatory to an act, entitled an act for the better advancement of justice, approved January 20th, 1826, so that it may be lawful for executors and administrators to be appointed guardians of the heirs or devisees of their decedents, after having made final settlement of the estates of such decedents.

Mr. Brown presented the following resolution, for the consideration of the house, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating elections, as to confine voters to their respective townships.

Mr. Sweetser moved to amend said resolution so as to make it imperative on said committee to report a bill; which motion was carried in the affirmative.

Mr. Matlock moved further to amend said resolution, by striking out the word "townships" and in-

serting in lieu thereof "counties"; which was carried in the affirmative: When,

On motion of Mr. Sweetser,

The further consideration of said resolution, as amended, was indefinitely postponed.

Mr. Morris presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of authorising the organization of independent battalions in counties, where the militia shall exceed two hundred and not exceed six hundred rank and file.

Mr. Trafton moved to amend said resolution by inserting, after the word battalion, the words following: to be commanded by lieutenant colonels; which was decided in the negative.

Mr. Sample moved further to amend said resolution, by adding the following words: and also to enquire into the expediency of authorising battalions of light companies; which was carried in the affirmative.

Said resolution, as amended, was then adopted by the house.

Mr. Judah presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee on military affairs be directed to enquire into the expediency of fixing the militia fines at such an amount as will be more proportionate to the difference of circumstances between the rich and poor.

Mr. Reed moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Child presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of altering the 39th section of the act, entitled an act providing

for the settlement of decedents estates, so that the widow of the decedent shall not have the power to retain one hundred dollars, in value, of the personal estate, before the debts against said estate are liquidated.

Mr. Dumont moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Wilburn presented the following resolution for the consideration of the house, to wit.

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the act providing for the support of illigitimate children, by fixing a penalty on the mothers, so as to compel them to swear, or pay a fine; one half of which shall be for the benefit of the state, the other half to the informer; nothing however, shall prevent the mother from being the informant—and enter into bond and security, as the father is bound to do by the act to which this is an amendment; with leave to report by bill or otherwise.

Mr. Child moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Sweetser moved to take up the resolution offered by Mr. Williams on yesterday, which reads in these words, to wit:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of altering the law for assessing and collecting the revenue, so that the lister and collector shall advertise, and meet the people in their different townships or districts, for that purpose.

Which motion was carried in the affirmative.

Mr. Sweetser then moved to amend said resolution, by adding the following at the end thereof, to wit:

"And also, that they enquire into the expediency

of abolishing the office of lister of lands, and make it the duty of the clerk of each county to furnish the collector a list from the tract book, of all lands taxable in his county; and that said lands shall be liable for taxes, without reference to the owner, and sold for non-payment.

And also, to enquire into the expediency of making it the duty of each and every person to go to appointed places in each township, and pay his taxes to the collector. The time of advertising, the time and place of receiving taxes by the collector, to be fixed by law; and also, to make lands of residents liable for other taxes, besides those levied on land."

Which was carried in the affirmative.

Said resolution, as amended, was then adopted by the house.

On motion of Mr. Kinnard,

Resolved, That the committee on military affairs enquire into the expediency of making it the duty of courts of assessment, to proportion fines to the number and frequency of the delinquencies of the person fined.

The speaker laid before the house a communication from John I. Neely, recorder of Gibson county, containing certain forms required of him to be laid before the legislature; which was read, and referred to the committee on claims.

Mr. Finley presented the following resolution for the consideration of the house, to wit:

Resolved, That the judiciary committee be instructed to enquire into the expediency of revising the laws of this state; with leave to report by bill or otherwise.

On motion of Mr. Hillis,

Said resolution was ordered to lie on the table.

Mr. Williams, after having obtained leave, presented a bill to provide for the partition and conveyance of land to Benjamin Nichols; which was read

the first time, and passed to a second reading on Monday next.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, December 8, 1828.

The house met pursuant to adjournment.

Mr. Bassett presented a petition of Richard Norris and others, of Dearborn county, praying a law to pass, making certain alterations in the road law; which was read and referred to the committee on roads.

Mr. Moyer presented a petition of William Wells of Orange county, praying to be divorced from his wife Jane, (late Jane Barry); which was read and referred to a select committee of Messrs. Moyer, Trafton and Young.

Mr. Wilburn presented a petition of William H. Shepherd and others, of Posey county, praying a law to pass, authorising the citizens of township five, south of range thirteen west, in said county, to appoint trustees or other officers, for the management of seminary section No. 16, in said township; which was read and referred to the committee on education.

Mr. Levenworth presented a petition of Josiah Coleman, of Crawford county, praying to be divorced from his wife Catharine—late Catharine Lawrence—which was read and referred to a select committee of Messrs. Levenworth, Trafton and Moyer.

Mr. Orr presented a petition of John Moore, of Putnam county, praying to be divorced from his wife Katey—late Katey Garrow.

Which was read and referred to a select committee of Messrs. Orr, Trafton and Levenworth.

Mr. Pollock presented a petition of Isaac Metlor of Dearborn county, praying to be divorced from his wife Hannah, late Hannah Pursell.

Which was read and referred to a select committee of Messrs. Pollock, Levenworth and Trafton.

Mr, Ritchey presented a petition of Martha McBride of Dubois county, praying to be divorced from her husband, Daniel McBride.

Which was read and referred to a select committee of Messrs. Ritchey, Robb and Trafton.

Mr. Williams presented a petition of Vinson Williams and John Williams, surviving administrators of Henry Williams, late of Lawrence county, dec. praying the appointment of commissioners to convey certain real estate.

Which was read and referred to the committee on the judiciary.

Mr. Long presented a petition of David Osborn and others, citizens of Henry county, praying a change in the militia law.

Which was read and referred to the committee on military affairs.

Mr. Taylor presented a petition of James Helverson and others, citizens of Montgomery county, praying a sale of the 16th section, in township 18, north of range 5 west.

Which was read and referred to the committee on education.

Mr. Sweetser, from the judiciary committee, made the following report, to wit:

The committee on the judiciary, to whom was referred the resolution enquiring into the expediency of authorising the collection, before justices of the peace, forfeitures on the bonds of justices of the peace and constables, where the sum demanded does not exceed the jurisdiction of said justices

have had the same under consideration, and directed me to report: That it is inexpedient to pass any law on that subject; the remedy now existing, being as extensive as is consistent with the rights of the securities of said justices and constables.

2. They have had under their consideration the resolution on the subject of imposing an oath of the sense of duty of the complainant who prosecutes for the violation of the 60th section of the act relative to crimes and punishments, and have directed me to report—that in their opinion it is inexpedient further to legislate on that subject.

3. They have also had under their consideration the report of the secretary of state of the votes given for and against a convention, and finding a majority against the same, deem it inexpedient further to legislate on that subject.

The said report being read,

Mr. Palmer moved to lay the first part of the same, which relates to the bonds of justices and constables, on the table.

Which motion was carried in the affirmative.

The balance of said report was then agreed to by the house.

Mr. Sweetser, from the same committee to whom was referred a resolution of this house, directing an enquiry into the expediency of repealing the law authorising the appointment of circuit prosecuting attorneys, reported a bill providing for the repeal of said law, and the appointment of prosecuting attorneys in each county.

Which was read the first time: When

Mr. Read moved to reject the same.

And the ayes and noes being required thereon by two members, the same are as follows, to wit.

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Crume, Deming, Dufour, Dumont, Frisby, Goodhue, Kinnard, Leven-

worth, Lomax, Lynd, Matlock, M'Intire, M'Pheeters, Moyer, Orr, Pennington, Reed, Riley, Ritchey, Robb Slaughter, Steele, Stewart, Sweetser, Taylor, Trafton, Wallace, Wilburn, Williams, Work, Worth and Young—36.

And those who voted in the negative are,

Messrs. Bassett, Brown, Craig, Dunn, Elliott, Finley, Hendricks, Hillis, Judah, Lemon, Liviston, Long, Marshall, Morris, Pabody, Palmer, Pollock, Sample, St. Clair, St. John, and Howk, Speaker—21.

And so said motion was carried in affirmative.

Mr. Sweetser from the same committee to whom was referred a resolution of this house directing an enquiry into the expediency of restraining frivolous appeals in trials of the right of property for the purpose of delay, reported a bill concerning trials of the right of property taken on execution issued by a justice of the peace.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser from the same committee to whom was referred a resolution of this house directing an enquiry into the expediency of making amendments to the law providing for the election of president and vice-president of the United States, reported a bill to amend the act entitled an act to provide for the election of electors of president and vice-president, approved January 14, 1824.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser from the same committee to whom was referred a bill to amend the act entitled an act concerning the secretary of state, reported the same with one amendment.

Which was twice read and agreed to by the house.

The said bill was then committed to a committee of the whole house and made the order of the day for to-morrow.

Mr. Marshall from the joint committee or enrolled bills, reported, that they have compared the enrolled with the engrossed

Joint resolution to prolong the time allowed the board of commissioners of the Wabash and Miami canal to make their report, and find the same truly enrolled: Whereupon,

The speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Boon from the committee on claims made the following report, to wit:

The committee on claims to whom was referred a report of the secretary of state, in discharge of his duties as state librarian, have had the same under their consideration, and directed me to report, that on examining the same, they find that he has laid out the sum of ninety-nine dollars and fifty-two and a half cents of the money appropriated, by law, for the state library, leaving thirty-one dollars forty-seven and a half cents in his hands, and the committee request the house to discharge them from the further consideration of said report.

And said committee were discharged from the further consideration thereof.

Mr. Judah from the committee on canals and internal improvements to whom was referred a resolution of this house on that subject, reported a joint resolution concerning the road from Louisville via Vincennes to St. Louis.

Which was read the first time and passed to a second reading to-morrow.

Mr. Boon from the select committee to whom was referred the petition of the heirs of Wesley Harrison,

deceased, reported a bill for the relief of the infant heirs of the said Wesley Harrison, deceased.

Which was read the first time and passed to a second reading to-morrow.

Mr. Blair from the select committee to whom was referred the petition of George Henry, James Borland and Henry Stone, reported a bill for their relief.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser moved to take up the report of the select committee on the unfinished business of last session, made on Saturday last.

Which was carried in the affirmative.

The question recurring on the adoption of the resolution presented by said committee, which reads in the words following, to wit.

Resolved, That bills No. 44 and 147 be referred to select committees, and that 91 be referred to the committee on canals and internal improvements; and that No's. 45, 68 and 129 be indefinitely postponed.

The same was carried in the affirmative.

The speaker appointed Messrs. Lemon, Work, M'Pheters, M'Intire and Stewart on bill No. 44.

Messrs. Lemon, Work and Stewart on bill No 147.

Messrs. Palmer, Pabody, Sweetser and Kinnard on bill No. 129.

Messrs. Child, M'Pheeters, M'Intire and Williams on bill No. 45.

Mr. Read from the committee on elections submitted the following report for consideration, to wit:

The committee on elections, to whom was referred the certificates of election of the returned members of this house, have had the same under consideration and find the following gentlemen duly elected, and entitled to their seats, to wit:

From the county of Wayne—Abel Lomax, William Elliot, William Steele and John Finley.

From the county of Dearborn—George H. Dunn, Arthur St. Clair, James T. Pollock and Horrace Bassett.

From the county of Clark—Isaac Howk, John M. Lemon and Joseph Work.

From the county of Washington—Robert M'Intire, Ezra Child and Hugh M'Pheters.

From the county of Harrison—James B. Slaughter, Dennis Pennington and Robert F. Bell.

From the county of Franklin—Daniel St. John and David Wallace.

From the county of Switzerland—John F. Dufour and John Dumont.

From the county of Jefferson—David Hillis and Nathan B. Palmer.

From the county of Orange—John B. Moyer and James Lynd.

From the county of Knox—Samuel Judah and John C. Riley.

From the county of Fayette—Marks Crume and Samuel C. Sample.

From the county of Union—James Leviston.

From the county of Rush—William J. Brown.

From the county of Decatur—Thomas Hendricks.

From the county of Ripley—Merit S. Craig.

From the county of Jennings—Ezra F. Pabody.

From the county of Jackson—William Marshall.

From the county of Posey—Jesse Y. Welburn.

From the county of Scott—James Goodhue.

From the county of Marion—George L. Kinnard.

From the county of Floyd—Isaac Stewart.

From the county of Crawford—Seth M. Levenworth.

From the county of Lawrence—Vinson Williams.

From the county of Monroe—Enos Blair.

From the county of Gibson—David Robb.

From the county of Sullivan—George Boon.

From the counties of Spencer and Perry—Samuel Frisbie.

From the counties of Vanderburgh and Warrick—William Trafton.

From the counties of Daviess and Martin—James G. Read.

From the counties of Pike and Dubois—James Ritchie.

From the counties of Greene and Owen—John M. Young.

From the county of Vigo—Demas Deming.

From the county of Putnam and Clay—Joseph Orr.

Fom the counties of Montgomery, Fountain and all the country north of the last named counties and north of Vermillion county to the Indian boundary—Robert Taylor.

From the counties of Morgan, Hendricks and all the country north of the last named county to the Wabash river—Thomas J. Matlock.

From the counties of Shelby and Johnson—Sylvan B. Morris.

From the counties of Randolph, Allen and Delaware, and all the country lying north of Hamilton and Madison counties to the river Wabash, which is not by law attached to other districts—Daniel Worth.

From the counties of Henry, Hamilton, Madison and Hancock—Elisha Long.

From the county of Bartholomew, and all the country lying west of the same and east of Monroe—Philip Sweetser.

The committee further report that no legal certificate of election has been returned from the counties of Parke and Vermillion; but this committee are satisfied, from the certificate of the sheriff of Parke county, that Eliphalet Allen is duly elected, and that said Allen is entitled to his seat.

Which was read and concurred in by the house.

On motion of Mr. Dunn,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act regulating descents, so as to enable the mothers of persons dying intestate, to inherit all the real estate of such intestate, which may have come to such intestate, by purchase or descent from the father of such intestate, except where such real estate may have come to the father of said intestate, by descent or demise, from the ancestor of the father.

On motion of Mr. Ritchie,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of declaring Pattoca river navigable, from Thompson's mill, in Pike county, to Enlow's mill in Dubois county, and of providing an appropriation of $100 00 for removing obstructions to navigation, in that part of said river, and that they report thereon by bill or otherwise.

On motion of Mr. Deming,

Resolved, That the committee on canals and internal improvements enquire, whether any, and what means may be necessary, to secure to the state, the benefits and advantages which may arise from locating the seats of justice, of counties which may hereafter be laid off, in the territory through which the Wabash and Miami canal may pass, upon land, the property of the state; with leave to report by bill or otherwise.

Mr. Long presented the following resolution for the consideration of the house, to wit:

Resolved, That a select committee be appointed to enquire into the expediency of so arranging the representative districts now represented by Messrs. Taylor. Matlock, Worth and Long, as to give additional representation to said districts, with leave to report by bill or otherwise.

Mr. Read moved to lay said resolution on the table; which motion was decided in the negative.

The question then recurring on the adoption of said resolution, the same was carried in the affirmative; when the speaker appointed Messrs. Long, Taylor, Matlock, Worth and Sweetser that committee.

On motion of Mr. Sample,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the act, entitled an act for the formation of Congressional districts, and for the election of senators and representatives to Congress, so that the election of representatives from this state, to the 22d Congress, shall be holden on the first Monday of August, 1831, and representatives to each succeeding Congress bienually thereafter.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

On motion of Mr. St. Clair,

Resolved, That the committee on the judiciary be directed to enquire into the expediency of reporting a bill repealing the 15th section of the act subjecting real and personal estate to execution, approved, January 30th, 1824, reporting one or more sections amending said act, so that the debtor, in execution, on a ca. sa. shall, in no instance be discharged, unless it shall be done by taking the oath, prescribed by the 14th section of said act, in the presence of one of the associate judges of the county in which the said writ issued; or in the presence of two justices of the peace in the same county, who shall keep a record of their proceedings, and notify the execution plaintiff or his attorney to appear and cross examine the execution defendant.

Mr. Dufour gave notice that he would, on to-morrow, move to amend the 8th standing rule of this house, so as to add a committee of propositions and grievances, which, if agreed to by the house, will constitute an eleventh committee.

On motion of Mr. Sweetser,

Resolved, That the secretary of state communicate to this house the number of copies of the laws of congress of the years 1825, 1826 and 1827 remaining in his office.

On motion of Mr. Lemon,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to this house, amending the law on the subject of grand and petit jurors, so as to allow them seventy-five cents per day each for their services.

On motion of Mr. Levenworth,

Resolved, That the committee of ways and means enquire into the expediency of so altering the laws for assessing and collecting the revenue as to make each county responsible for its portion of the revenue until it shall be paid over to the treasurer of state, and that they report by bill or otherwise.

On motion of Mr. Child,

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of reporting a bill to define and punish petit larceny.

On motion of Mr. Craig,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of allowing witnesses, in criminal cases, their fees in county orders at the same rate and in the same manner as grand and petit jurors.

Mr. Child moved to take up the resolution presented by him on Friday last, which reads in the words following, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so al-

tering the 39th section of the act, entitled an act providing for the settlement of decedents' estates, that the widow of the decedent shall not have the power to retain one hundred dollars, in value, of the personal estate, before the debts against said estate are liquidated.

Which motion was carried in the affirmative.

The question then recurring on the adoption of said resolution,

And the ayes and noes being required thereon by two members, the same are as follows, to wit.

Those who voted in the affirmative are,

Messrs. Boon, Child, Lomax, Lynd, Matlock, M'Intire, M'Pheeters, Moyer, Slaughter, Wilburn and Work—11.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Brown, Craig, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Long, Marshall, Morris, Orr, Pabody, Palmer, Pennington, Pollock, Riley, Ritchey, Robb, Sample, St. Clair, St. John, Steele, Stewart, Sweetser, Taylor, Trafton, Wallace, Williams, Worth, Young and Howk, Speaker—45.

And so said resolution was lost.

On motion of Mr. Finley,

Resolved, That the judiciary committee be instructed to enquire into the expediency of making a compensation to justices of the peace and constables for their services, in state actions, where the party accused escapes conviction.

On motion of Mr. Deming.

Resolved, That a select committee be appointed to enquire into the expediency of passing a law pro-

hibiting dams or other impediments being raised so as to injure or endanger the navigation of the Wabash river, and report by bill or otherwise.

Whereupon,

The speaker appointed Messrs. Deming, Boon and Robb that committee.

Mr. Welburn moved to take up the resolution offered by him on Saturday last upon the subject of illegitimate children.

Which motion was carried in the affirmative.

Which resolution was amended so as to read as follows, to wit:

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the act providing for the support of illegitimate children, by fixing a penalty on the mothers so as to compel them to swear or pay a fine, which shall be for the use of county seminaries in the proper counties, and enter into bond and security, as the father is bound to do by the act to which this is an amendment; and also, that the father be subjected to a like fine for the same purposes.

Said resolution being read, as amended, was adopted by the house.

Mr. Hillis presented the following resolution which was read and ordered to lie on the table, to wit:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the militia law that no poor labouring man shall be fined for a failure to have arms on days of training or mustering, particularly those who are unable to purchase the same without doing injustice to themselves and families, with leave to report by bill or otherwise.

Mr. Slaughter after having obtained leave presented a joint resolution relative to a portion of the three per cent. fund.

Which was read the first time and passed to a second reading to-morrow.

Mr. Bassett, after having obtained leave, presented a joint resolution relative to the public lands in the state of Indiana.

Which was read the first time and passed to a second reading to-morrow.

Mr. Worth, after having obtained leave, presented a joint resolution to effect the removal of the pension office from Corydon to Indianapolis.

Which was read the first time and passed to a second reading to-morrow.

Mr. M'Pheeters, after having obtained leave, presented a bill to amend an act entitled an act, to amend the several acts, now in force, relative to assessing and collecting the revenue, approved, January 24, 1827.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser, after having obtained leave, presented a bill to continue and locate the road from Lake Michigan via Indianapolis to the Ohio river.

Which was read the first time and passed to a second reading to-morrow.

Mr. Dumont, after having obtained leave, presented a bill to amend the act entitled an act respecting a county seminary and the seminary funds of Switzerland county.

Which was read the first time and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The bill to authorise William Richards to act as guardian for the infant heirs of Gabriel Richards deceased, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend the act entitled an act attaching certain territory to the counties therein named,

approved, January 16th, 1828, was read the second time and committed to a committee of the whole house, and made the order of the day for Monday next.

The bill to provide for the partition and conveyance of land to Benjamin Nichols, was read the second time and ordered to be engrossed for a third reading to-morrow.

The engrossed bill to revive the act entitled an act to amend an act entitled an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were destroyed by fire, in the court house in Lawrenceburgh, on the morning of the sixth of March, 1826, approved, January 11th, 1827; and

The engrossed bill to amend the act entitled an act to amend an act concerning the auditor of public accounts and the treasurer of state, were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry the same to the senate and ask their concurrence therein.

And then the house adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, December 9th, 1828.

The house met pursuant to adjournment.

Mr. Read presented a petition of James Edwards and others, citizens of Daviess county, praying a relocation of the state road leading from Rockport to Bloomington; which was read and referred to the committee on roads.

Mr. Leviston presented a petition of Wm. Youse and others, citizens of Union county, praying authority to erect a toll bridge over the east fork of

Whitewater river, near Brownsville in said county; which was read, and referred to a select committee of Messrs. Leviston, Crume and Wallace.

Mr. Taylor presented petitions of Joseph Wood and others, citizens of Warren county, and Peleg Underwood and others, citizens of Tippecanoe county, praying a change in the boundaries of their respective counties; which were read and referred to a select committee of Messrs. Taylor, Matlock, and Allen.

Mr. Moyer presented a petition of John Hollowell, administrator of the estate of Thomas Hollowell, deceased, praying authority to sell the estate of said decedent; which was read and referred to a select committee of Messrs. Moyer, Lynd and Child.

Mr. Orr presented a petition of Daniel Sigler and others, citizens of Putnam county, praying the location of a state road leading from Greencastle in said county, west to Montezuma, in the county of Parke, and east from said town of Greencastle, to Franklin in Johnson county; which was read and referred to the committee on roads.

Mr. Blair presented a petition of David Copple of Monroe county, with accompanying documents, praying to be divorced from his wife; which was read and referred to a select committee of Messrs. Blair, Williams, Trafton and Child.

The speaker laid before the house a communication from Samuel B. Clark of Warren county, relative to the boundary of said county; which was read and referred to a select committee of Messrs. Taylor, Matlock and Allen.

Mr. Hillis, from the committee of ways and means to whom was referred the communication from the auditor of public accounts, informing the house that the appropriation of $500 of the last session of the general assembly, for the payment of wolf scalp certificates had been exhausted, reported a bill to re-

peal the act entitled an act to encourage the killing of wolves, approved January 27th, 1827; which was read the first time. When,

Mr. Read moved to reject the same.

And the ayes and noes being called for by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Blair, Boon, Brown, Child, Craig, Deming, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Long, Lynd, Matlock, Marshall, Morris, Moyer, Orr, Pabody, Pollock, Read, Riley, Ritchey, Robb, Slaughter, St. Clair, Sweetser, Taylor, Trafton, Wallace, Welburn, Williams, Worth and Young—38.

And those who voted in the negative are,

Messrs. Bell, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Lemon, Leviston, Lomax, M'Intire, M'Pheeters, Palmer, Pennington, Sample, St. John, Steele, Stewart, Work and Howk, speaker—20.

And so said motion was carried in the affirmative.

Mr. Ritchey from the select committee to whom was referred the petition of sundry citizens of Dubois county, praying the appointment of commissioners to relocate the county seat of said county, reported a bill in pursuance of the prayer of the petitioners; which was read the first time, and passed to a second reading to-morrow.

Mr. Child, from the select committee to whom was referred the bill legalizing the proceedings of the trustees of town 3 north, of range 2 east in the Jeffersonville district, reported the same without amendment.

Which was twice read, and ordered to be engrossed and read a third time to-morrow.

Mr. Boon, from the select committee to whom was referred the petition of Hugh S. Ross and others, citizens of Sullivan county, reported a bill supplemental to the act entitled an act declaring Busseron creek a public highway, approved January 21st, 1826.

Which was read the first time, and passed to a second reading to-morrow.

Mr, Lemon, from the select committtee to whom was referred the bill to authorize the survey and marking the boundary line between the counties of Washington and Clark, reported the same with several amendments.

Which were twice read and agreed to by the house.

Said bill was then recommitted to a committee of the whole house, and made the order of the day for to-morrow.

On motion of Mr. Slaughter,

Resolved, That the committee on claims be instructed to enquire into the propriety of the auditor's auditing, and the treasurer's paying the claims of the several officers who superintended the election of electors for president and vice-president of the United States, and that they report by bill or otherwise.

On motion of Mr. Dufour,

Resolved, That the eighth standing rule of this house be so amended as to require the appointment of an eleventh standing committee, to be styled the committee of propositions and grievances.

Mr. Dunn presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee of ways and means be directed to enquire into the expediency of increasing the poll tax for state purposes to fifty cents.

And the question being put, "will the house adopt said resolution?"

And the ayes and noes being required thereon by two members, the same are as follows, to wit.

Those who voted in the affirmative are,

Messrs. Bell, Dunn, Levenworth, Sweetser, Williams and Worth—6.

And those who voted in the negative are,

Messrs. Allen, Bassett, Blair, Boon, Brown, Child, Craig, Crume, Deming, Dufour, Dumont, Elliott. Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Leviston, Lomax, Long, Lynd, Matlock, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pennington, Pollock, Riley, Ritchey, Robb, Sample, Slaughter, St. Clair, St. John, Steele, Stewart, Taylor, Trafton, Wallace, Welburn, Work, Young and Howk, Speaker—50.

And so said resolution was not adopted.

Mr. Brown presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reducing the poll tax for state purposes thirty-three and one third per centum.

M. Craig moved to lay said resolution on the table.

Which was agreed to by consent.

Mr. St. John presented the following resolution for the consideration of the house; which was read and ordered to lie on the table, to wit:

Resolved, That the committee on the judiciary be directed to enquire into the expediency of grand jurors being required to serve one year.

Mr. Bassett presented the following resolution for the consideration of the house, to wit:

Resolved, That in the opinion of this house, the legislature have not the constitutional power, in any case, to dissolve the banns of matrimony.

Mr. Elliott moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Sweetser moved to take up the resolution offered by Mr. Boon on last, which reads as follows, to wit:

Resolved, That the committee of ways and means be, and they are hereby instructed to report a bill to this house providing for an ad valorem system of taxation.

Which motion was carried in the affirmative.

Mr. Sweetser then moved to amend said resolution so as to require said committee to enquire into the expediency of reporting a bill upon that subject.

Which motion was carried in the affirmative.

The question then recurring on the adoption of said resolution as amended, the same was carried in the affirmative.

Mr. Bassett, after having obtained leave, presented a joint resolution relative to the transportation of convicts to the mouth of the Oragon river.

Which was read the first time and passed to a second reading to-morrow.

Mr. Leviston, after having obtained leave, presented a bill to amend the act entitled an act for the appointment of county surveyors and their deputies, approved January 30th, 1824.

Which was read the first time and passed to a second reading to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The house then proceeded to consider the orders of the day.

The joint resolution concerning the road from Louisville, by way of Vincennes, to St. Louis, was read a second time, and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to the public lands, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill for the relief of the infant heirs of Wesley Harrison, deceased, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill for the relief of George Henry, James Borland and Ellis Stone, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend the act entitled an act to provide for the election of electors of president and vice president of the United States, approved January 14th, 1824, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill concerning trials of the rights of property taken on executions issued by justices of the peace, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill to amend the act entitled an act respecting a county seminary and the seminary funds of Switzerland county, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to a portion of the three per cent. fund, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The joint resolution to effect the removal of the

pension office from Corydon to Indianapolis, was read the second time; and,

On motion of Mr. Pennington,

Was ordered to lie on the table.

The bill to amend the act entitled an act to amend the several acts now in force, relative to assessing and collecting the revenue, approved January 24, 1827, was read the second time, and recommitted to the committee of ways and means.

Mr. St. Clair, from the joint committee for enrolled bills, reported—that they did, on this day, present to his excellency, the governor, for his approval and signature, an enrolled joint resolution to prolong the time allowed the board of commissioners of the Wabash and Miami canal, to make their report.

The bill to continue and locate the road from Lake Michigan, by Indianapolis, to some point on the Ohio river, was read the second time, and committed to a committee of the whole house and made the order of the day for Saturday next.

The engrossed bill to authorize William Richards, administrator of Gabriel Richards, deceased, to act as guardian to the infant heirs of the said Gabriel Richards, deceased, was read the third time; and,

On motion of Mr. Child,

Re-committed to the committee on the judiciary.

The engrossed bill to provide for the partition and conveyance of land to Benjamin Nichols, was read the third time and passed.

Ordered, That the same be entitled An act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The house resolved itself into committee of the whole, on the engrossed bill to amend the act entitled an act concerning the secretary of state; and after some time spent therein, the speaker resumed the chair, and Mr. Bassett, reported the same with one amendment.

Which was read at the clerk's table, and concurred in by the house.

Said bill was then ordered to be engrossed and read a third time to-morrow.

A message was received from the senate by Mr. Dill, their secretary, announcing that the senate had adopted an engrossed joint resolution for the relief of Nathaniel Cotton, Henry Cotton, and William Keith, in which the concurrence of the house of representatives is requested.

The speaker laid before the house, the following communication from John I. Neeley, John M'Donald and Chester Elliott, commissioners appointed to locate and mark a road from Lake Michigan to Indianapolis, to wit:

To the General Assemb'y of the state of Indiana:

The commissioners, appointed by an act entitled, "An act to provide for surveying and marking a road, from Lake Michigan to Indianapolis," approved the 24th January, 1828, respectfully submit the following report: They, having met, in pursuance of the proclamation of the executive, on the first Monday in April last, in the town of Indianapolis, and after having been organized, determined, in consequence of the high waters at that time, to adjourn until the second Monday of May.

On the second Monday in May, the commissioners again met at Indianapolis, and proceeded to run a random line, commencing at the court house; from thence in a direction to Lake Michigan; so as to leave the Miami reservation on the east. This line struck the lake, a few miles west of the line which divides the state of Indiana and the Michigan territory. The commissioners then proceeded to an examination of the borders of the lake, for the purpose of finding a harbour, and selecting a suitable site for the erection of a town; but after a full examination, they were unable to find, within the

state of Indiana, a harbour, or site altogether suitable for the purposes contemplated by the law. The commissioners, however, selected at the mouth of the river Dysman or Trail creek, a site, as the most eligible that could be found within the limits of the state of Indiana. This stream enters the lake five miles and eleven chains (by the beach of the lake) westward of the line dividing the state of Indiana and Michigan territory. At its junction it is one hundred and twenty-five links wide, with from two to three feet water on the bar; and after crossing it from seven to ten feet for the first half mile above, and is well calculated for mills, or water privileges, being the largest stream that enters the lake within the state. At this site there are about two hundred acres of level, dry land of a second quality in point of soil, elevated sufficiently, to form a situation for a town. From this place, the commissioners ran a line to Indianapolis, so as to leave the Miami reservation on the east. The quality of the land, for the first five miles, is very similar to that at the mouth of Trail creek. They then came to a beautiful tract of country about six miles in width, the soil fertile, timber and water fine. The line then crossed a high, dry, rich prairie, about two and a half miles wide, being the dividing ridge between the waters of the lake, and of the Kankakee. From thence to the Kankakee, a distance of about eighteen miles, the country is poor, barren, and wet prairies wholly destitute of any kind of materials for the construction of a road; nor will it admit of settlement. This route crossed the Kankakee at the lower, or western end of what is called the English lake. The river is about thirty-six poles wide, current deep and sluggish. From this river, until within about five miles of the Wabash, the country is poor, sandy barrens and wet swampy prairies, entirely destitute of materials for the construction of

a road. From thence to the Wabash river, near the mouth of Rock creek, the country is high and broken, soil rich. The distance, from the lake to the Wabash, by this line, is about seventy-three miles: and at least forty of the distance, is low and swampy, and will require bridging, causewaying or turnpiking; as when we passed through this country, it was quite common for our horses to stick in the marshes several times in each day's travel. The commissioners continued the route from the Wabash, through a fertile, well timbered and watered country to Indianapolis, crossing several beautiful branches of water, and entering the town by the north west diagonal street, which leads to the Governor's Circle.

The commisssioners being convinced of the impracticability of constructing a road on that part of the route, between the lake and the Wabash, determined on a further examination, in order, if possible, to select another and better. But from the extreme fatigue, they had endured, and the impoverished state of their horses, they were compelled to abandon a further examination at that time.

In the month of October last, the commissioners again met on the upper Wabash, and proceeded to examine the country from the mouth of Eel river, by the river St. Joseph of Lake Michigan, to the mouth of river Dysman or Trail creek. The commissioners then proceeded to survey and mark a route, to the southern bend of the St. Joseph, a distance of thirty-five miles and fifty chains, passing through a country, for the three or four first miles, of level, dry, second rate land. The balance of the distance to the St. Joseph, the country is beautiful and fertile in the extreme; well watered with fine springs, and excellent streams for mills, and is handsomely diversified with rich prairies, and fine groves of timber. At the southern bend of the St. Joseph, is a

beautiful situation for a town; being distant from the lake (from the best information received) fifty-five miles by the river, and thirty-five miles by land. This river is navigable from the lake to the mouth of the Elk Hart, a distance of about twenty-five miles above the southern bend

In a word, the commissioners considered the site at the southern bend of the St. Joseph, and the adjacent country, the most desirable situation to be found north of the Wabash.

The commissioners then proceeded, on the most direct line to Indianapolis, (leaving the Miami reservation on the east) through a fine, and generally well watered and timbered country, interspersed with some small prairies and barrens, until they struck the Wabash, immediately below the mouth of Eel river; distant from the St. Joseph sixty-five miles; and from thence, through a country quite similar to the one described, between the mouth of Rock creek and Indianapolis, in the first mentioned survey, and entered Indianapolis as before.

The commissioners, at their meeting at Indianapolis, in the month of May last, employed John K. Graham of Floyd county, as surveyor, who ran the first random line as far as the Wabash river, at which place, in consequence of ill health, he was unable to proceed further. They then employed John G. M'Donald as surveyor. The surveyor and hands employed by the commissioners, are to receive such compensation for their services as the General Assembly may think just and equitable.—The commissioners will here remark, that the services, performed by the persons employed, were arduous, and equally so to the pack horses.

The commissioners found it necessary to procure a pilot, and interpreter; and for those purposes employed Edward M'Cartney, whose acquaintance, not only with the Indians, but with the country gen-

erally, proved very serviceable. By this means they were enabled, so far to secure the favor of the Indians, as to obtain from them much friendly aid in the prosecution of their labors; and they have now the satisfaction of saying, that they believe the Indians are, at this time, well satisfied with the location of the road, and all its attendant consequences. The commissioners are of the opinion, that if the lands given to the state by the treaty, are speedily and judiciously selected, one half the proceeds thereof, will be sufficient to open, and put the road in good condition.

Enclosed the legislature will find the length of time the commissioners have been employed in laying off said road, the names of each person, engaged by them, and the county in which he lives; together with the number of days each person was employed; and also the number of packhorses, and the length of time in service; and also the actual money expended by the commissioners in the purchase of provisions, camp equipage, &c. The commissioners respectfully refer your honorable body to the plat and field notes of said road, as filed in the office of the secretary of state; together with the remarks accompanying the same.

The following are the general courses, and also the distances from several points on said road to each other:

From Lake Michigan, at the mouth of River Dysman or Trail creek, to the southern bend of the river St. Joseph, is thirty-five miles and fifty chains; course, S. 87 deg. 30 min. east. From the southern bend of St. Joseph to Yellow river, is twenty-three miles; course S. 6 deg. 30 min. west. From Yellow river to the crossing of the Tippecanoe river, is eighteen miles and fifty-four chains; course S. 12 deg. east. From the Tippecanoe to the crossing of the Wabash, is twenty-four miles and forty-eight chains;

course, S. 18 deg. west. From the Wabash to the south west corner of the Miami reservation, is thirty three miles and thirty-six chains; course, south.—From thence to Indianapolis, is thirty-six miles and twenty-five chains; course, S. 19 deg. east.

All which are respectfully submitted.

JOHN I. NEELY,
JOHN McDONALD,
CHESTER ELLIOTT.

December 8, 1828.

The following is a bill containing the amount of moneys expended in the purchase of provisions, camp equipage, &c. for the use of the hands employed by the commissioners on the Michigan road:

Cash paid at different times, while on the road, by John I. Neely,	$116 98 3-4
John M'Donald,	39 55
Chester Elliott,	79 11
	$235 64 3-4

JOHN I. NEELY,
JOHN McDONALD,
CHESTER ELLIOTT.

December 8, 1828.

The following is a list of the length of time the commissioners have been employed in laying off the road from Lake Michigan to Indianapolis—the names of each person employed by them, and the county in which they live; together with the number of days they were employed, as also the number of pack horses, and their length of time in service:

	Days.	Total.
John I. Neely, Commissioner,	126	
Chester Elliott, do.	146	
John M'Donald, do.	122	391
John K. Graham, of Floyd county, surveyor,	22	
John G. M'Donald, Daviess, do. do.	78	100

Zebina Lovejoy,	Warrick	county,	one of the hands,	59	
Aaron Fuquay,	do.	do.	do.	59	
E. B. Reynals,	Gibson,	do.	do.	98	
Thomas White,	Pike,	do.	do.	63	
Josiah Morgan,	Daviess	do.	do.	59	
Thos. Montgomery,	Gibson	do.	do.	59	
Hyacinth Lassell,	Knox	do.	do.	39	
Lambert Bono,	do.	do.	do.	39	
John M'Cluer,	do.	do.	do.	39	
John Emison,	do.	do.	do.	98	
William Route,	Daviess	do.	do.	39	
John McDonald,	do.	do.	do.	19	
Edward M'Cartney,	Carroll	county,	pilot and interpreter,	59	729
Four pack horses employed, making in whole,				396	396

JOHN I. NEELY,
JOHN M'DONALD,
CHESTER ELLIOTT.

December 8, 1828.

The said communication being read,

Mr. Palmer moved that so much of said report as relates to the location of said road, be referred to the same committee of the whole house to whom was referred the bill for the continuation of said road, and that the public printer be directed to print for the use of this house, one thousand copies of said report; and that so much of said report as relates to the expenses of said location, be referred to the committee on claims; and,

On motion of Mr. Pennington,

Said report was ordered to lie on the table.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, December 10th, 1828.

The house met pursuant to adjournment.

The speaker appointed Messrs. Pennington, Robb, Dufour, St. John and Sample, a committee of propositions and grievances, in pursuance of the resolution adopted on yesterday.

The speaker laid before the house a petition of Jacob B. Lowe and others, citizens of Monroe county, praying that measures may be taken to sell a portion of the lands, donated for the purpose of completing the canal connecting the waters of the Wabash with the waters of Lake Erie; which was read and referred to the committee on canals and internal improvements.

Mr. Worth presented a petition of John Forsyth and others, citizens of Fort Wayne, praying the passage of an act incorporating said town, granting particular powers therein set forth; which was read and referred to a select committee of Messrs. Worth, Finley and Dunn.

Mr. Lemon presented a petition of John F. Jones and others, citizens of Bartholomew county, accompanied by the deposition of William Herod, praying that articles of impeachment may be preferred against Benjamin Crow, a justice of the peace for said county; which was read and referred to the committee on the judiciary.

Mr. Morris presented a petition of Ira Bailey and others, of Shelby county, praying the location of a state road from Shelbyville, in Shelby county, to Andersontown, in Madison county, via Marion and Freeport in Shelby county and Greenfield in Hancock county; which was read and referred to the committee on roads.

Mr. Worth presented a petition of Thomas Blount and others, citizens of Delaware county, praying

the passage of a law vacating a certain part of the state road leading from the Ohio line to Indianapolis; which was read and referred to the committee on roads.

Mr. Kinnard presented a petition of Messrs. Bishop and Culbertson, citizens of Indianapolis, with vouchers accompanying the same, praying compensation for extra work, done on the Governor's House in said town; which was read and referred to the committee on claims.

Mr. Hillis, from the committee of ways and means, to whom was recommitted, a bill to amend the act entitled an act, to amend the several acts now in force, for assessing and collecting the revenue, approved, January 24, 1827, reported the same with several amendments; which were twice read and agreed to by the house.

The said bill was then recommitted to a committee of the whole house and made the order of the day for to-morrow.

Mr. Bassett, from the committee on education, to whom was referred the petition of John Tipton and others, citizens of Logansport, reported a bill to incorporate the Eel river seminary society; which was read the first time and ordered to second reading tomorrow.

Mr. Lomax, from the committee on roads, made the following report:

Mr. Speaker,

The committee on roads, to whom was referred the petition of Richard Norris and others, of Dearborn county, praying certain alterations in the road law, have had the same under consideration and have directed me to report, that it is inexpedient to legislate on that subject at this time.

Which report was concurred in by the house.

Mr. Deming, from the select committee to whom was referred, a resolution of this house, relative to

obstructions in the navigation of the Wabash, reported a bill on that subject.

Which was read the first time and ordered to a second reading to-morrow.

Mr. Frisbie, from the select committee to whom was referred the petition of Samuel Conner, praying authority to build a ware-house, on part of water street in the town of Rome, reported a bill in pursuance of the prayer of the petitioner.

Which was read the first time and ordered to a second reading to-morrow.

Mr. Moyer, from the select committee to whom was referred the petition of William Wells, praying to be divorced from his wife, reported, that they have had the same under consideration, and are of opinion, that the prayer of said petitioner ought not to be granted.

Which report was concurred in by the house.

Mr. Sweetser, from the judiciary committee, made the following report, to wit:

1. The committee on the judiciary to whom was referred, the resolution relative to persons trespassing on lands and personal property, have had the same under consideration, and have directed me to report, that in their opinion it is inexpedient to legislate further on that subject.

2. They have also had under their consideration, the resolution respecting compensation to justices of the peace and constables, in criminal cases, and have directed me to report, that in their opinion it is inexpedient to legislate on that subject at this time.

3. They have also had under their consideration, the resolution relative to an uniform mode of doing county business, and have directed me to report, that in their opinion it is inexpedient to legislate on that subject at this time.

4. They have also had under their consideration,

the resolution relative to further allowance to grand and petit jurors, and have directed me to report, that it is inexpedient to legislate on that subject.

5. They have also had under their consideration, the bill for relief of Gabriel Richards, and have directed me to report, that said bill ought not to be passed, but a general law on the subject of said bill.

6. They have also had under consideration, the resolution relative to grand and petit larceny, and have directed me to report, that it is inexpedient to legislate on that subject.

The first and fourth propositions, in said report, were agreed to by the house, and the 2d, 3d, 5th and 6th, were ordered to lie on the table.

On motion of Mr. Judah,

Resolved, That the judiciary committee prepare and report a bill declaratory of the powers and rights of juries, according to the laws of the land.

On motion of Mr. Sample,

Resolved, That the committee on propositions and grievances be instructed to inquire, if any, and what amendments are necessary, to be made to the act entitled, "an act regulating divorces," approved, January 22, 1824, so that the general assembly of this state may be relieved from the necessity of passing special acts upon that subject, and that said committee have leave to report by bill or otherwise.

Mr. Frisbie presented the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of allowing two justices of the peace, in each county, to grant writs of injunction, in cases cognizable by justices of the peace, in the same manner, and under such restrictions as the associate judges are now authorized to grant injunctions by law; and that they report thereon by bill or otherwise.

Mr. Judah moved to amend said resolution by striking out 'two' and inserting 'one justice' in lieu thereof.

Which motion was carried in the affirmative.

Mr. Judah moved further to amend said resolution, by inserting after the words, "one justice," the words, "or constable."

Which motion was carried in the affirmative.

When, on motion of Mr. Sweetser, said resolution, as amended, was ordered to lie on the table.

On motion of Mr. Morris,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of abolishing the office of collector of the revenue, and so amending the law defining the duties of county treasurer, as to require him to meet the people, in their several townships, to receive and receipt for taxes.

Mr. Matlock presented the following resolution, to wit:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of exempting such persons as may have served either as an officer or soldier in the revolutionary war, from paying revenue, either for state or county purposes.

Mr. Boon moved to lay said resolution on the table.

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution, the same was carried in the affirmative.

On motion of Mr. Kinnard,

Resolved, That the committee on the affairs of the town of Indianapolis, be directed to enquire into the expediency of enclosing, with a brick wall, the Governor's Circle, in said town.

Mr. Child moved to take up the resolution, offered by Mr. Bassett, on yesterday, which reads as follows. to wit:

Resolved, That in the opinion of this house, the legislature have not the constitutional power, in any case, to dissolve the banns of matrimony.

Which motion was carried in the affirmative.

And before coming to a decision thereon,

The house adjourned until 2 o'clock, P M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The speaker laid before the house the following communication from his excellency, the governor, to wit:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, Dec'r 10, 1828.

The Speaker of the
House of Representatives—

SIR—Through you, the undersigned informs the house of representatives, that William Quarles, Esq. is authorized by me to deliver my messages, as my private secretary.

Respectfully, your obed't serv't,
J. B. RAY.

The house then resumed the consideration of the resolution presented by Mr. Bassett on yesterday, which reads in the words following, to wit:

"*Resolved*, That in the opinion of this house, the legislature have not the constitutional power, in any case, to dissolve the banns of matrimony."

Mr. Palmer moved to postpone the further consideration of said resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Blair, Brown, Craig, Crume, Dem-

ing, Dufour, Elliott, Finley, Frisbie, Hillis, Lemon, Levenworth, Lomax, Long, Matlock, M'Intire, M'-Pheeters, Moyer, Orr, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Sample, Slaughter, St. Clair, Steele, Stewart, Sweetser, Taylor, Trafton, Worth and Young—36.

And those who voted in the negative are,

Messrs. Bassett, Bell, Boon, Child, Dumont, Dunn, Goodhue, Judah, Kinnard, Leviston, Lynd, Marshall, Morris, Pabody, Robb, St. John, Wallace, Welburn, Williams, Work and Howk, speaker—21.

And so said motion was carried in the affirmative.

On motion of Mr. Palmer,

The house took up and proceeded to consider the report of John I. Neely, Chester Elliott and John M'Donald, road commissioners, &c. made on yesterday, and the motion of Mr. Palmer, in relation thereto; which motion was to refer that part of said report which relates to the location of the road from Lake Michigan to Indianapolis, to the same committee of the whole house to which was committed the bill to continue said road to some point on the Ohio river; that so much of said report as relates to the expense of said location be referred to the committee on claims; and that the public printer be directed to print one thousand copies of said report for the use of the members of this house.

The said motion was then agreed to by the house.

A message was received from his excellency, the governor, by Mr. Quarles, his private secretary, announcing, that he did, on this day, approve and sign A joint resolution to prolong the time allowed the board of commissioners of the Wabash and Miami canal to make their report.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 11th, 1828.

The house met pursuant to adjournment.

The speaker laid before the house the following communication from Ebenezer Sharpe, agent of state for the town of Indianapolis, to wit:

AGENT'S OFFICE, DEC. 10, 1828.

The Hon. the Speaker of the House of Representatives:

The agent of state, for the town of Indianapolis, as required by a joint resolution of the last general assembly, to present a complete detailed statement of the Indianapolis fund, and the disbursements therefrom, from the commencement of the agency up to the 1st of December, instant, specifying the sources of receipts, and the manner of disbursement, the amount liquidated by relinquishments and transfers, and the tenor of the leased land on the donation; accompanying the same with a list of all the lots in said town remaining unsold and unappropriated, has the honor to report, to wit:

Amount received for lots from the commencement of agency up to the 8th of April, 1828, the time of the present agent taking the office.	30,159 46
Amount received for rents	452 64
" " for timber	85 85
Total,	30,697 95
" Paid by former agents to treasurer	26,671 09

"	Liquidated by relinquishment of lots	3,002 59
"	Paid for building clerk's office	429 00
"	" for clearing out Pogue's run	50 00
"	Entered on the books, as in the hands of the former agent, reserved for county library	131 56
	Total,	30,284 24
	Balance,	413 71
"	Received by the present agent for lots since the 8th of April, 1828	2,815 59
"	Received by the present agent for rents	66 87
	Total,	2,882 46
"	Paid treasury	2,543 68
"	Liquidated by certificates,	282 47
"	Reserved 2 per cent. on 2,815 59 for county library	56 31
	Total,	2,882 46

Lands leased the 8th of March, 1827, for three years.

3 1-2	acres at	50 cents	per acre	per annum	1	75
2 1-4	"	1 00	"	do.	do.	2 26
35	"	1 75	"	do.	do.	54 95
2 3-4	"	2 37 1-2		do.	do.	6 53
35 7-8	"	1 66		do.	do.	59 54
1 1-2	"	50		do.	do.	75
21	"	1 00		do.	do.	21 00
17	"	1 63		do.	do.	27 71
34 1-4	"	1 95		do.	do.	66 78
2	"	2 59		do.	do.	5 18

The following, leased for 4 years from said 8th of March, 7 acres at $2 00 per acre per annum; two first years to be paid by improvements	14 00
6 acres at $1 18 3-4 cents per acre per annum	7 12
Annual amount	267 56 1-4

The following is a list of blocks remaining unsold and unappropriated, to wit:

Blocks No. 3, 5, 13, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 81, 82, 83, 86, 87, 88, 89, 101, N. E. 1-2.

Lots unsold and unappropriated,

Square 46, lots 1, 2, 3, 5,—47, 3—48, 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12—49, 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 50, 11, 12—51, 8, 9—52, 1, 2, 3, 5, 6, 7, 9, 10, 11, 12; 54, 1, 2, 4, 5, 6, 7, 8, 9, 10; 61, 10, 11, 12; 67, 9; 68, 1, 3, 5, 6, 7, 8, 9; 69, 1, 2, 10; 72, 1, 2, 4, 5, 8, 9; 73, 3, 4; 74, 4.

Respectfully submitted,
E. SHARPE, *Agent.*

Which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Palmer moved that 100 copies thereof be printed for the use of the members of this house.

Which motion was carried in the affirmative.

On motion of Mr. Stewart,

Messrs. Kinnard and M'Intire, were added to the select committee to whom was referred the petition of sundry citizens of Clark county, praying to be attached to the county of Floyd.

Mr. St. Clair presented a petition of Washington Jackson of Dearborn county, praying to be divorced from his wife, Orilla Jackson, late Orilla Burress.

Which was read and referred to the committee of propositions and grievances.

Mr. Worth presented a petition of John Forsyth and others, citizens of Allen county, praying an alteration in the mode of doing county business in said county.

Which was read and referred to a select committee of Messrs. Worth, Lomax and Steele.

On motion of Mr. Sample,

Mr. Brown was added to the committee of propositions and grievances.

On motion of Mr. Sweetser,

Messrs. Marshall and Slaughter were added to the select committee to whom was referred a resolution of this house on the subject of the right of this state to the unappropriated lands within her territory.

Mr. Taylor presented a remonstrance of James Garrison and others, citizens of Warren county, against any change in the bounds of said county.

Which was read and referred to the same committee to whom was referred the petition of sundry citizens of said county, praying a change in the boundary of said county.

Mr. Hendricks presented a petition of sundry citizens of Decatur county, praying measures may be taken to bring into market the north east quarter of each section of the lands donated by the United States to this state, to aid in opening a canal to connect the waters of the Wabash with the Miami of Lake Erie.

Which was read and referred to the committee on canals and internal improvements.

Mr. Sweetser presented a petition of John M. Given and others, citizens of Bartholomew county, praying a repeal of the law estaolishing a state road from Shelbyville in Shelby county, to Brown's tavern in Jennings county; which was read and referred to a select committee of Messrs. Sweetser, Morris, Palmer and Pabody.

Mr. Bell presented a petition of John Thompson

and others, citizens residing in town 2, range 3, in Harrison county, praying the legislature to memorialize congress to grant them a section of good land in lieu of the 16th section in said township, granted them for school purposes; which section is of no value; which was read and referred to the committee on education.

Mr. Hillis, from the committee of ways and means, to whom was referred a resolution of this house, directing them to enquire into the expediency of providing by law, an ad valorem system of taxation, reported—that they have had that subject under consideration, and directed him to report, that it is at this time inexpedient to adopt that system of taxation.

The said report being read,

Mr. Dunn moved to lay the same on the table.

Which motion was carried in the affirmative.

Mr. Sweetser, from the judiciary committee, to whom was referred a resolution of this house, directing them to enquire into the expediency of reporting a bill authorizing administrators to receive the appointment of guardian of the infant heirs of decedents after final settlement of their estates, reported a bill to amend an act, entitled an act amendatory of the law and for the better advancement of justice, approved January 20th, 1826.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser, from the same committee to whom was referred a resolution of this house directing them to enquire into the expediency of reporting a bill to require claimants, before they file their claims, against the defendants in actions of domestic attachment, to give bond and secerity in the same manner as persons suing out said attachments, reported a bill to amend the act authorizing domestic attachments,

and to regulate the proceedings therein, approved January 22d, 1824.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser, from the same committee to whom was referred a resolution of this house relative to fugitives from labor, reported a bill to repeal an act entitled an act relative to fugitives from labor, approved January 22d, 1824.

Which was read the first time and passed to a second reading to-morrow.

Mr. Read moved to take up the report of the judiciary committee, relative to the allowance of justices of the peace and constables of compensation for services in state prosecutions, where the prosecutions have failed.

Which motion was carried in the affirmative.

Mr. Read then moved to recommit said report to the same committee, with instructions to report to this house, their opinion as to the legality of officers claiming fees in criminal cases where the state does not sustain the action.

Which was carried in the affirmative.

Mr. Lomax moved that so much of his excellency the governor's message, as relates to the Michigan road, and so much thereof as relates to the correspondence of the secretary at war and the executive of this state, relative to said road, be referred to the same committee of the whole house to whom was committed a bill to continue and locate the road from Lake Michigan, by Indianapolis, to some point on the Ohio river; and that the committee on roads be discharged from the further consideration thereof.

Which motion was carried in the affirmative.

Mr. Judah, from the committee on canals and internal improvements, to whom was referred a resolution of this house, directing them to enquire into the expediency of declaring Pattoca river navigable

from Thompson's mill in Pike county, to Enlow's mill in Dubois county, and of providing an appropriation of $100 for removing the obstructions to navigation in that part of said river, reported a bill supplemental to an act entitled an act declaring certain streams therein named public highways, approved January 26th, 1824.

Which was read the first time and ordered to a second reading to-morrow.

The speaker laid before the house the following communication from his excellency, the governor, to wit:

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, INDIANA, DECEMBER 11, 1828.

Hon. Speaker of the House of Representatives:

The undersigned begs leave to lay before the House over which you have the honor to preside, the correspondence alluded to in his annual communication to this General Assembly, between the Secretary at War and the Executive of the state of Indiana, relative to the Michigan road.

Most respectfully,
Your obedient servant,
J. BROWN RAY

Hon. Isaac Howk, Speaker of
the House of Representatives.

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, February 4, 1828.

Hon. James Barbour,

Sir—By virtue of an act to provide for surveying and marking a road from Lake Michigan

to Indianapolis, passed by the late General Assembly of the state of Indiana, and approved, January 24, 1828, agreeably to the late treaty with the Potawatamie Indians, I am required to correspond with the Secretary of War, for the purpose of ascertaining in what manner the state of Indiana shall receive or take possession of the land granted by the said treaty, for the location and construction of the said road.

As the *quantity* of land for this thoroughfare is clearly defined by the treaty, being one section of *good* land, to be applied to every mile of the whole distance that the state may think proper to locate a road from the Lake to the Ohio river, by the way of Indianapolis. It appears to be the wish of this state to obtain your opinion, as to the *place* where this land shall be located, and *how* it must be done.

You will discover, by a reference to the treaty, that the land is to be located "*contiguous*" to the road. Is it your opinion that the land must be *adjoining* the road, the whole distance from the Lake to the Wabash, or, would it not rather be the most reasonable interpretation of the article, making the cession, that the land may be located in such places *near* the road as aforesaid, as the agents of the state deem most advisable? Will this land be surveyed by the United States, or will that duty devolve upon the state of Indiana? With respect to the length of the road, what would be your opinion as to the power of the state to extend it, under the words, "some convenient point at the Ohio river," any reasonable number of miles *further* than the *nearest* point? And lastly, would you not conclude, that by virtue of the treaty and the act of congress, it is competent for the state to take possession and dispose of the land for the object intended, in such manner as she, by her legislature, may think fit?—Is she not constituted *sole trustee* of both the United

States and the Indians, to carry that part of the treaty, relating to the grant, into full effect, as she, in her wisdom may deem most expedient?

Respectfully, your obedient servant,

J. B. RAY.

DEPARTMENT OF WAR,
MARCH 1, 1828.

To His Excellency J. BROWN RAY,
Governor of Indiana,

SIR,

I have had the honor of receiving your letter of the 4th ultimo, and proceed to reply to it.

The land ceded by the late treaty with the Potawatamies, was obtained by the U. States for the use and benefit of Indiana. The manner of taking possession of the land, as ceded, will be by surveys. Should good land lie immediately along the route of the survey, the quantity granted by the treaty will be laid off along said route; but if not, contiguous thereto.

The Indian agent will be required to attend the surveys, and it might promote a harmonious issue to them, were you to ask the agent to invite two or three of the principal chiefs to attend with him.—Their assent, as to the point of termination of the proposed road, and where it is to strike the Ohio, it would be well to secure; which would guard against any difficulties that might afterwards arise upon that and the other point respecting the location of the sections.

No part of the cost of the survey or of any incidental expense attending it will be borne by the United States. The obligations of the General Government ceased, when the right of the land, for Indiana, was secured.

The state is the sole trustee over these ceded lands, but the question of expediency, as to the

length of the road, and which relates also to the part where it may strike the Ohio, can only be adjusted in the way proposed. It is proper the Indians should agree with you as so where that point ought to be; also as to the location of the sections along the route which may be marked in the survey for the road.

You will notify the department when you are prepared to commence the suryey, that instructions may be given to the agent.

I have the honor to be, very respectfully,

Your obedient servant,

JAMES BARBOUR.

Which were referred to the same committee of the whole house to whom was committed the bill to continue and locate a road from Lake Michigan by Indianapolis to some convenient point on the Ohio river; and five hundred copies thereof is ordered to be printed for the use of the members of this house.

Mr. Trafton from the several select committees to whom was referred the petitions of Levina Corn, Ezekiel Hevington, David Copple, Martha M'Bride, Josiah Coleman and John Moore, reported a bill to divorce certain persons therein named.

Which was read the first time.

When Mr. St. John moved to reject said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Boon, Brown, Child, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Palmer, Reed, Riley, Robb, Sample, Slaughter, St.

John, Steele, Stewart, Sweetser, Taylor, Wallace, Welburn, Williams, Work and Howk, speaker—46.

And those who voted in the negative are,

Messrs. Blair, Frisbie, Levenworth, Orr, Pennington, Pollock, Ritchey, St. Clair, Trafton, and Young—10.

So said bill was rejected.

Mr. Child from the select committee to whom was referred that part of his Excellency the Governor's message, which relates to the continuation of the Cumberland road, reported a joint resolution upon that subject.

Which was read the first time, and the rules of the house having been dispensed with, said joint resolution was read the second time and committed to a committee of the whole house to-morrow.

On motion of Mr. Elliott,

Resolved, That the committee of ways and means be instructed to report an amendment to the act for assessing and collecting the revenue, approved January 30th, 1824, explanatory of the 34th section of the said act, so as to provide that out of every $100 actually paid at the state treasury by collectors of the state revenue, they shall be entitled to receive the nine per centum; the payment of which is provided for by said section.

On motion of Mr. Goodhue,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to this house providing for subjecting to execution, choses in action, and equitable interests in lands by bill in chancery.

On motion of Mr. Bassett,

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a law directing that all costs accruing on criminal

prosecutions for offences, the punishment for which is death, or confinement to hard labor, be paid out of the state treasury; and for offences where the punishment is by fine only, the costs to be paid by the several counties, where the trial shall be had, whether the offender be convicted or not.

On motion of Mr. Dufour,

Resolved, That the committee on roads be instructed to enquire into the expediency of authorizing the boards doing county business, to allow the owners of lands through which unimportant county roads may run, to erect gates on the same, under proper restrictions.

Mr. Goodhue, after having obtained leave, presented a bill supplementary to an act entitled an act to amend an act regnlating the judicial circuits, and fixing the times of holding courts, approved February 12, 1825, and the several acts amendatory thereto.

Which was read the first time andpassed to a second reading to-morrow.

Mr. Trafton, after having obtained leave, presented a bill to repeal part of an act entitled an act regulating the inspection of tobacco, approved December 27th, 1816.

Which was read the first time and passed to a second reading to-morrow.

Mr. Morris, after having obtained leave, presented a bill to incorporate the townships in Shelby county.

Which was read the first time and passed to a second reading to-morrow.

Mr. Moyer, after obtaining leave, presented a bill to amend the act entitled an act establishing a county treasurer, approved January 31, 1824.

Which was read the first time and passed to a second reading to-morrow.

The house then proceeded to consider the orders of the day.

The joint resolution for the relief of Nathaniel Cotton, Henry Cotton and William Keith, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill supplemental to an act declaring Busseron creek a public highway, approved Jan. 21, 1826, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled an act for the appointment of county surveyors and their deputies, approved January 30, 1824, was read the second time, and ordered to lie on the table.

The bill appointing commissioners to relocate the seat of justice of Dubois county, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to the transportation of certain convicts to the mouth of the Oregon river, was read the second time; and,

On motion of Mr. Pennington,

Was ordered to lie on the table.

The bill to incorporate the Eel river seminary society was read the second time, and ordered to be engrossed and read a third time to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The bill to authorize Samuel Conner to build a ware house on part of water street in the town of Rome, in Perry county, was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill relative to navigable streams was read a

second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed joint resolution concerning the road from Louisville, via Vincennes, to St. Louis, was read the third time and passed.

Ordered, That the Clerk inform the Senate, and ask their concurrence therein.

The engrossed bill legalizing the proceedings of the trustees in township three, of range two east, in the Jeffersonville district, was read the third time and passed.

Ordered, That the same be entitled An act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill for the relief of George Henry, James Borland and Ellis Stone; the engrossed bill to amend the act entitled an act for the election of electors of president and vice president of the United States, approved January 14th 1824; the engrossed bill to amend the act entitled an act respecting a county seminary, and the seminary funds in Switzerland county, and the engrossed bill for the relief of the infant heirs of Westley Harrison, deceased, were severally read a third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to amend the act entitled an act concerning the secretary of state, was read the third time; when,

Mr. Pabody moved to recommit said bill to the committee of ways and means, with instructions so to amend the second section thereof, as to reduce thes alary of the secretary of state to four hundred dollars.

Which motion was decided in the negative.

Mr. Dunn then moved that said bill be recommitted

to a committee of the whole house, and made the order of the day for to-morrow.

Which motion was carried in the affirmative.

The house resolved itself into committee of the whole, on the bill concerning trials of the right of property taken in execution issued by justices of the peace; and after some time spent therein, the speaker resumed the chair, and Mr. Craig reported the same with several amendments.

Which were severally read at the clerk's table, and concurred in by the house.

Mr. Craig moved further to amend said bill by adding the following as an additional section thereto, to wit:

"That the seventh section of an act entitled an act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 22d, 1827, be and the same is hereby repealed."

Which motion was carried in the affirmative.

Said bill was ordered to be engrossed and read a third time to-morrow.

A message was received from the senate by Mr. Test, their assistant secretary, announcing that the senate have adopted an engrossed joint resolution relative to the reserved lands of the United States on the margin of, and contiguous to the Wabash canal; in which he asked the concurrence of this house.

Said joint resolution was read the first time and passed to a second reading to-morrow.

The house resolved itself into committee of the whole on the engrossed joint resolution relative to the public lands; and after some time spent therein, the speaker resumed the chair, and Mr. Pennington reported the same with one amendment; which was concurred in by the house.

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, December 12th, 1828.

The house met pursuant to adjournment.

Mr. Bassett moved that Mr. Robb, a member of this house, from the county of Gibson, have leave of absence for the balance of the session.

Which motion was carried in the affirmative.

Mr. Long presented a petition of John Collins and others, citizens of Madison county, praying the location of a state road from Shelbyville in Shelby county, via Greenfield in Hancock county, Falls of Fall creek, to Andersontown in Madison county; thence north on the nearest and best route, to intersect the state road leading from Indianapolis to Fort Wayne; which was read and referred to the committee on roads.

Mr. Deming presented a petition of the board of commissioners of Vigo county, praying that the proceedings of said board, at their session in February last, may be legalized; which was read and referred to a select committee of Messrs. Deming, Orr and Young.

Mr. Morris presented sundry petitions of the citizens of Shelby and Hancock counties, praying the location of a state road from Shelbyville in Shelby county, via Marion, Morristown and Greenfield, to Andersontown in Madison county.

Which were severally read and referred to the committee on roads.

Mr. Boon, from the committee on claims, to whom

was referred the petition of John Rawley, reported a bill supplemental to an act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved, February 9th, 1828.

Which was read the first time and passed to a second reading to-morrow.

Mr. Lomax, from the committee on roads to whom was referred a petition of William J. Lowry and others, citizens of Posey county, reported a bill to establish a state road from Mount Vernon to the Wabash river at Collins's ferry, in a direction to Vandalia, in the state of Illinois.

Which was read the first time and passed to a second reading to-morrow.

Mr. Taylor, after having obtained leave, presented a bill to authorize the associate judges of the Montgomery circuit court to hold a special session; which was read the first and second times, the rules of the house having been dispensed with.

Mr. Sweetser moved to amend said bill, so as to make it take effect from and after its passage.

Which motion was carried in the affirmative.

Mr. Dunn moved further to amend said bill, by striking out the word "associate," so as to make it read, the judges of the Montgomery circuit court.

Which motion was also carried in the affirmative.

Mr. Pennington then moved to lay said bill on the table.

Which was carried in the affirmative.

Mr. Matlock, after having obtained leave, presented a bill to change the mode of doing county business, in certain counties therein named.

Which was read the first time and passed to a second reading to-morrow.

Mr. Leviston, after having obtained leave, presented a bill to authorize the President and associate

judges of the Union circuit court to hold a special session.

Which was read the first time, and the rules of the house having been dispensed with, said bill was read the second time; and,

On motion of Mr. Lemon,

Said bill was ordered to lie on the table.

The house then proceeded to consider the orders of the day.

The bill supplemental to an act entitled an act declaring certain streams therein named public highways, approved, January 26th, 1824, was read the second time.

Mr. Child moved to lay said bill on the table.

Which motion was carried in the affirmative.

The bill to amend the act authorizing domestic attachments, and to regulate the proceedings therein, approved, January 22d, 1824, was read the second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The bill to repeal an act entitled an act relative to fugitives from labor, approved January 22d, 1824, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow

The bill to amend an act entitled an act amendatory of the law and for the better advancement of justice, was read the second time and committed to a committee of the whole house, and made the order of the day for to-morrow.

The bill to repeal part of an act entitled an act regulating the inspection of tobacco, approved, December 27th, 1816, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill supplemental to the act to amend the act regulating the judicial circuits, and fixing the times

of holding courts, approved, February 12th, 1825, and the several acts amendatory of the same, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled an act establishing a county treasurer, approved, January 31, 1824, was read the second time, and committed to a committee of the whole House, and made the order of the day for to-morrow.

The bill to incorporate the townships in the county of Shelby, was read the second time, and committed to a committee of the whole House, and made the order of the day for Monday next.

The engrossed joint resolution relative to the reserved lands of the United States, on the margin of, and contiguous to, the Wabash canal, was read the second time, and passed to a third reading to-morrow.

The engrossed bill to authorize Samuel Conner to build a ware house on part of water street, in Rome in Perry county, was read the third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill appointing commissioners to relocate the seat of justice of Dubois county, was read the third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill supplemental to an act declaring Busseron creek a public highway, approved January 21, 1826, was read the third time and ordered to lie on the table.

The engrossed bill concerning trials of the right of property taken in execution, was read the third time; and on the question being put, Shall said bill pass? It was decided in the negative.

And so said bill was lost.

The engrossed bill to incorporate the Eel river seminary society, was read the third time; when,

Mr. Sweetser moved that said bill be recommitted to a committee of the whole house, and made the order of the day for to-morrow.

Which motion was carried in the affirmative.

The engrossed joint resolution on the subject of the public lands was read the third time; when,

Mr. Kinnard moved to recommit said joint resolution to the same select committee to whom was referred a resolution of this house on the subject of the right which the state of Indiana has to the unappropriated land within her territory.

Which motion was decided in the negative.

Mr. Craig moved to lay said joint resolution on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Frisbie, Goodhue, Hillis, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Ritchey, Slaughter, St. John, Steele, Stewart, Taylor, Worth and Young—32.

And those who voted in the negative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Elliott, Finley, Hendricks, Judah, Pennington, Pollock, Read, Riley, Sample, St. Clair, Sweetser, Wallace, Welburn, Williams and Howk, Speaker—23.

So said motion was carried in the affirmative.

The engrossed bill relative to navigable streams,

declared public highways, by the ordinance of 1787, was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

On motion of Mr. Elliott,

The committee of the whole house to whom was committed the memorial of the general assembly of the state of Indiana, on the subject of the continuation of the Cumberland road, and the removal of the timber out of the same, was discharged from the further consideration thereof.

The said memorial was then ordered to be engrossed and read a third time this day.

The house resolved itself into committee of the whole on the bill to authorize the surveying and marking the boundary line between the counties of Washington and Clark; and after some time spent therein, the speaker resumed the chair, and Mr. Dumont reported said bill with sundry amendments; which were severally read at the clerk's table, and concurred in by the house.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The house resolved itself into committee of the whole on the engrossed joint resolution from the senate, for the relief of Nathaniel Cotton, Henry Cotton and William Keith; and after some time spent therein, the speaker resumed the chair, and Mr. Palmer reported the same with one amendment, which was by striking it out from its resolving clause; which reads in these words, to wit:

"That at the instance, request and petition of Nathaniel Cotton, Henry Cotton and William Keith, of Switzerland county, and state of Indiana, execution is hereby directed to be stayed for the term of one year from and after the passage of this resolution, on a certain judgment by their confessions, in favor

of the state of Indiana, in the circuit court of said county of Switzerland, at the October term of said court in the present year, 1828; and the secretary of state is hereby directed to forward to the clerk of said court, a certified copy of this Joint resolution immediately."

And the question being put, "will the house concur in said amendment.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Brown, Child, Craig, Crume, Deming, Dunn, Elliott, Finley, Goodhue, Kinnard, Levenworth, Lomax, Lynd, Matlock, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Read, Sample, Slaughter, St. Clair, St. John, Sweetser, Taylor, Wallace, Welburn, Williams, Work, Worth, Young and Howk, sp'r—38.

And those who voted in the negative are,

Messrs. Bassett, Dufour, Dumont, Frisbie, Hendricks, Hillis, Leviston, Long, Marshall, Orr, Palmer, Pollock, Ritchey, Steele, and Stewart—15.

And so said amendment was concurred in by the house.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The engrossed memorial of the general assembly of the state of Indiana, upon the subject of the continuation of the Cumberland road, and the removal of the timber out of the same, was read the third time and passed.

Ordered, That the Clerk carry the same to the Senate, and ask their concurrence therein.

The speaker laid before the house the following communication from W. W. Wick, secretary of state, to wit:

Office of the Secretary of State,
December 12th, 1828.

The Hon. the Speaker of
the House of Representatives:

In compliance with a resolution of the house of representatives of the 8th instant, I have the honor to state, that there are in this office in pamphlet form, 150 copies of the laws of the U. States of the year 1827, 160 copies of 1826, and 100 copies of the year 1825.

It may be proper to add that the United States laws of 1824, are in this office to the number of about thirty copies; and that within the last few days, the laws of the last session, (1828) have came to hand in boxes. They have not been counted, but may safely be estimated at 200 copies.

Respectfully,
W. W. WICK.

Which communication was read and referred to a select committee of Messrs. Sweetser, Palmer and Craig.

The house resolved itself into committee of the whole on the engrossed bill to amend an act entitled an act concerning the secretary of state; and after some time spent therein, the speaker resumed the chair, and Mr. Child reported the same with one amendment; which was read at the clerk's table, and concurred in by the house—Mr. Craig dissenting.

Mr. Hillis then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Craig, Crume, Deming, Dufour, Elliott, Finley, Hillis, Leviston, Lomax, Long, Lynd, Matlock, Morris, Moyer, Orr, Pabody, Palmer, Pollock, Read, Sample, St. John, Steele, Sweetser, Wallace, Welburn, Worth & Young—30.

And those who voted in the negative are,

Messrs. Allen, Bell, Boon, Child, Dumont, Dunn, Frisbie, Goodhue, Judah, Kinnard, Lemon, Levenworth, Marshall, M'Intire, M'Pheeters, Pennington, Riley, Ritchey, Slaughter, St. Clair, Stewart, Taylor, Trafton, Welburn, Work and Howk, Sp'r—26.

So said motion was carried in the affirmative.

The house resolved itself into committee of the whole on the bill to amend the act entitled an act to amend the several acts now in force for assessing and collecting the revenue, approved January 24th, 1827; and after some time spent therein, the speaker resumed the chair, and Mr. Read reported the same with one amendment; which being read was concurred in by the house.

Mr. Brown moved to postpone the further consideration of said bill indefinitely.

Which motion was decided in the negative.

Mr. Judah then moved to postpone the further consideration of said bill until the first Monday in December next.

Which motion was carried in the affirmative.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 13th, 1828.

The house met pursuant to adjournment.

The speaker laid before the house an account of John M'Donald, against the state of Indiana, for money by him expended, in the location of the Michigan road.

Which was read and referred to the committee on claims.

Mr. Marshall presented a petition of George Kress and others, citizens of Jackson county, praying the location of a state road from the west side of Silver creek bridge, on the state road leading from Jeffersonville to Salem; thence to the state road leading from M'Donald's ferry to Brownstown; thence with said road to the north side of Muscatatuck river, at Belding's ferry; thence by the Chesnut ridge to the ford at the lower Falls of Driftwood.

Which was read and referred to the committee on roads.

Mr. Lemon presented a petition of George White and others, for a state road, beginning at the state road leading from Jeffersonville to Salem, and from six to eight miles from the former place, west of Silver creek; thence running a northerly course, on the best and nearest convenient ground, to meet in the direction of the Pine lick, the state road leading from M'Donald's ferry to Brownstown; thence following the latter road to the north side of the Muskakituck river; thence running to the ford at the lower Falls of Driftwood fork of White river.

Which was read and referred to the committee on roads.

Mr. Leviston presented a petition of sundry citizens of the counties of Union, Wayne, Fayette and Henry, praying the location of a state road from the west side of the east fork of White water river,

on the road leading from Brownsville to Waterloo, near Brownsville; thence to Waterloo, Milton, to intersect the state road leading from the west line of the state of Ohio, via Richmond, Centreville, &c. to Indianapolis, at or near Hayden's tavern.

Which was read and referred to the committee on roads.

Mr. Marshall presented a petition of James Brown and others, citizens of Jackson county, praying an alteration in the state road, crossing at the falls of Driftwood fork of White river.

Which was read and referred to the committee on roads.

Mr. Lomax presented a petition of Jesse Frame and others, citizens of Henry county, praying to be reattached to the county of Wayne.

Which was read; and,

On motion of Mr. Long,

Was ordered to lie on the table.

Mr. Kinnard presented a petition of John Givan and others, of Marion county, praying that the benefits of "an act for the relief of the purchasers of lots in the town of Indianapolis," approved January 20th, 1826, may be extended to the purchasers of certain out-lots, under the acts, approved January 31st, 1824, and February 12th, 1825.

Which was read and referred to the committee on the affairs of the town of Indianapolis.

The following message was received from the senate, by Mr. Ray, their enrolling secretary, to wit:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that they did, on yesterday, adopt "an engrossed joint resolution of the general assembly of the state of Indiana, relative to a great western mail route, through the seats of government of Indiana and Illinois to Missouri," in which they request the concurrence of the house of representatives.

They have also passed an engrossed bill to revive the act entitled an act to amend an act entitled an act for the benefit of those persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire on the morning of the 6th of March, 1826, approved January 11, 1827; which originated in the house of representatives.

They have also adopted a joint resolution relative to the purchasers of public lands; in which the concurrence of the house of representatives is requested.

The engrossed joint resolution from the senate relative to the great western mail route through the seats of government of Indiana and Illinois, to Missouri, was read the first and second time, the rules of the house having first been dispensed with.

Mr. Read then moved to postpone the further consideration of said joint resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Child, Craig, Dufour, Frisbie, Goodhue, Judah Lemon, Levenworth, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Read, Riley, Ritchey, Slaughter, St. Clair, Stewart, Sweetser, Taylor, Trafton, Welburn, Williams, Work and Worth—32.

And those who voted in the negative are,

Messrs. Bassett, Brown, Crume, Deming, Dumont, Elliott, Findley, Hendricks, Hillis, Kinnard, Leviston, Lomax, Long, Matlock, Orr, Palmer, Pollock, Sample, St. John, Steele, Wallace, Young and Howk, speaker—23.

So said motion was carried in the affirmative.

The engrossed joint resolution from the senate relative to the purchasers of lands, was read the first, second and third times, the rules of the house first being dispensed with, and passed.

Ordered, That the clerk inform the senate thereof.

Mr. Sweetser, from the judiciary committee, to whom was referred the petition of Vinson and John Williams, reported that they have had the same under their consideration, and have directed him to report, that it is inexpedient to grant the prayer of said petitioners.

Which report was read and concurred in by the house.

Mr. Sweetser, from the same committee to whom was referred a resolution of this house relative to amending an act entitled an act subjecting real and personal property to execution, reported a bill to amend the act entitled an act subjecting real and personal property to execution, approved January 30th, 1824.

Which was read the first time and passed to a second reading on Monday next.

Mr. Boon, from the committee on claims, to whom was referred that part of the report of John I. Neely, Chester Elliott, and John M'Donald, commissioners to locate a road from Lake Michigan to Indianapolis, as relates to the compensation to be allowed said commissioners and hands, made the following report:

The committee on claims, to whom was referred the report of the commissioners on the Michigan road, have had the same under consideration, and have instructed me to report the following resolution:

Resolved, That the committee of ways and means be, and they are hereby instructed to allow in the specific appropriation bill, to John I. Neely, for 126 day's services, as commissioner on the Michigan

road, the sum of $2 00 per day				$252 00
And that he be allowed for money expended,				116 98 3-4
That John M'Donald be allowed for his services as commissioner on said road, for 122 days at $2 per day				244 00
And that he be allowed for money expended				45 05
That Chester Elliott be allowed for his services as commissioner on said road, for 146 days at $2 per day				292 00
And that he be allowed for cash expended				79 11
That John K. Graham be allowed for 22 day's services as surveyor of said road, $2 per day				44 00
That John G. M'Donald be allowed for 78 day's services as surveyor of said road, 2 dollars per day				156 00
That Zebina Lovejoy, one of the hands employed by said commissioners 59 days on said road, be allowed 75 cents per day				44 25
Aaron Fuquay	do.	59	do.	44 25
E. B. Reynolds	do.	98	do.	73 50
Thomas White	do.	63	do.	47 25
Josiah Morgan	do.	59	do.	44 25
Thomas Montgomery	do.	59	do.	44 25
Hyacinth Lassell	do.	39	do.	29 25
Lambert Bono	do.	39	do.	29 25
John M'Clure	do.	39	do.	29 25
John Emison	do.	98	do.	73 50
William Route	do.	39	do.	29 25
John M'Donald	do.	19	do.	14 25
That Edward M'Cartney employed by said commissioners, as pilot and interpreter, be allowed $59 for 59 day's service on said road				$59 00

And that said commissioners be allowed the sum of 99 dollars for 396 day's service of pack horses. $99 00

The above report was read and concurred in by the house.

Mr. Pennington, from the committee of propositions and grievances, to whom was referred a resolution of this house directing said committee to enquire what amendments, if any, are necessary to be made to the act entitled an act regulating divorces, approved January 22d, 1224, so that the legislature may be relieved from the necessity of passing special acts upon that subject, reported that they have had the same under consideration, and directed him to report that it is inexpedient to legislate on that subject, as they consider the law amply sufficient to embrace the subject in said resoluton.

Which report was concurred in by the house.

Mr. Sweetser, from the select committee to whom was referred the report of the secretary of state, relative to the laws of Congress, for the years 1825, 1826, 1827 and 1828, on file in his office, reported a joint resolution relative to the laws of congress remaining in the office of said secretary.

Which was read the first time and passed to a second reading on Monday next.

Mr. Stewart, from the select committee to whom was referred the petition of sundry citizens of Clark county, praying to be attached to the county of Floyd, reported a bill attaching part of the county of Clark to the county of Floyd.

Which was read the first time and passed to a second reading on Monday next.

Mr. Deming, from the select committee to whom was referred the petition of the board of commissioners of Vigo county, reported a bill legalizing the proceedings of said board of commissioners.

Which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Worth,

Resolved, That the committee of ways and means be instructed to make provision by law to exonerate such persons from the payment of taxes on personal property, as may have lost the same previous to the time such taxes may have become due.

On motion of Mr. Pennington,

Resolved, That the Auditor of public accounts be requested to lay before this house, a statement of the number of acres of first, second and third rate land subject to taxation, and the number of polls.

On motion of Mr. Wallace,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the 35th section of the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 30th, 1824, as to embrace cases of inability of justices of the peace, from sickness, to perform the duties of their office; and also to provide a remedy for the evils accruing from the death of justices of the peace.

On motion of Mr. Leviston,

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the law relative to crimes and punishments, so as to make it a crime and provide a punishment for any officer who shall negligently suffer to escape, or any private person who shall effect the escape, of any person lawfully imprisoned under sentence of the court.

On motion of Mr. Steele,

The house took up the bill authorizing the judges of the Montgomery circuit court to hold a special session.

The said bill was then ordered to be engrossed and read a third time on this day.

On motion of Mr. Child,

The house took up the engrossed bill to authorize William Richards, administrator of the estate of Gabriel Richards, deceased, to act as guardian of the minor heirs of said Gabriel Richards, deceased.

The said bill was then read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

On motion of Mr. Lemon,

The house took up the bill to authorize the president and associate judges of the Union circuit court to hold a special session.

The said bill was then ordered to be engrossed and read a third time on this day.

The speaker laid before the house the report of B. I Blythe, agent of the three per cent. fund.

[For this report, see letter B. in the Appendix.]

Mr. Child moved that said report be referred to the committee on roads, and that one hundred copies thereof be printed for the use of the members of this house.

Which motion was carried in the affirmative.

On motion of Mr. Kinnard,

Messrs. Stewart and St. John were added to the committee on the affairs of the town of Indianapolis.

On motion of Mr. Boon,

Mr. Child was added to the committee on roads.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The bill to change the mode of doing county business in certain counties therein named was read the second time; and

On motion of Mr. Palmer, ordered to lie on the table.

The bill supplemental to the act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved February 12th, 1825; and

The bill to establish a state road from Mount Vernon to the Wabash river, at Collins' ferry, in the direction of Vandalia, in the state of Illinois, were read the second time and ordered to be engrossed and read the third time on Monday next.

The engrossed bill to authorize the judges of the Montgomery circuit court to hold a special session;

The engrossed bill to repeal part of an act entitled an act regulating the inspection of tobacco, approved December 27th, 1816;

The engrossed bill to authorize the surveying and marking the boundary line between the counties of Washington and Clark; and

The engrossed bill to authorize the president and associate judges of the Union circuit court to hold a special session, were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill supplemental to the act entitled an act to amend the act regulating the judicial circuits and fixing the times of holding courts therein, approved was read the third time.

Mr. Goodhue moved to recommit said bill to a select committee, with instructions so to amend the first section thereof, as to make it the further duty of the clerk of the circuit court, to make a statement of all the jury fees which have been collected since the passage of the act to which this bill is supplementary.

Which motion was carried in the affirmative; and Messrs. Goodhue, Pabody and Lemon were appointed said committee.

The engrosssed joint resolution from the senate concerning the lands of the United States on the margin of, and contiguous to the Wabash canal, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Sweetser,

The committee of the whole house to which was re-committed the engrossed bill to incorporate the Eel river seminary society, was discharged from the further consideration thereof.

The said bill was then read the third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The house resolved itself into a committee of the whole on the bill to amend the act entitled an act establishing a county treasurer, approved January 31, 1824; and after some time spent therein, the speaker resumed the chair, and Mr. Levenworth reported the same without amendment.

The said bill was then recommitted to a select committee of Messrs. Palmer, Moyer and Stewart.

The speaker laid before the house a report of Samuel Hanna, Robert John and David Burr, commissioners appointed to survey and locate a canal route to connect the navigable waters of the Wabash, with the Miami of Lake Erie, with sundry

documents accompanying the same, made in pursuance of an act of the last general assembly.

The said report was read and referred to the committee on canals and internal improvements.

Mr. Judah moved that two thousand copies of said report, and such documents accompanying the same as said committee might select, be printed for the use of the members of both houses of the general assembly.

Which motion was carried in the affirmative.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, December 15th, 1828.

The house met pursuant to adjournment.

The speaker laid before the house a communication from Richardson Terrill, of Indianapolis, requesting the legislature to purchase of him a portrait painted by him, (as large as life,) of Gen'l Lafayette; which was read; and

On motion of Mr. Pennington,

Ordered to lie on the table.

Mr. Read presented a petition of John Arthur and others, citizens of Daviess county, praying for a state road commencing at the west part of Grandison Thomas's farm, on the road leading from Albany to Vincennes; thence to the east end of Mr. Graham's lane, leading into Walnut street, in Washington, via the public square in said town of Washington, to intersect said state road at the most convenient place between said town and Richard Weaver's.

Which was read and ordered to lie on the table.

Mr. Levenworth presented a petition, with accom-

panying documents, of William S. M'Donald, of Perry county, praying compensation for pursuing, arresting and bringing to justice, William H. Rothwell, the murderer of William Pitman; which were read and referred to the committee on claims.

Mr. Sweetser, from the committee on the judiciary, to whom was referred a resolution of this house on the subject of the power and rights of juries according to the laws of the land, reported a bill declaratory of the legal rights of juries.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser, from the same committee to whom was referred a resolution of this house, relative to the election of representatives to congress, reported a bill concerning the election of representatives to congress.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser, from the same committee, made the following report, to wit:

1. The committee on the judiciary, to whom was referred so much of the governor's message, as relates to asylums for paupers, have had the same under consideration, and have directed me to report, that the situation of the state renders it inexpedient to act on that subject at this time.

2. They have also had under their consideration so much of said message as relates to the punishment of habitual drunkenness, and have directed me to report that it is inexpedient to legislate on that subject.

3. They have also had under their consideration, so much of said message as relates to a distinction between grand and petit larceny, and have directed me to report, that it is inexpedient to legislate on that subject.

4. They have also had under their consideration.

so much of said message as relates to the incorporation of agricultural societies, and have directed me to report, that it is inexpedient to legislate on that subject.

5. They have also had under their consideration, a resolution of this house, relative to processioning lands, and have directed me to report, that it is inexpedient to pass any law on that subject.

6. They have also had under their consideration a resolution of this house, relative to the filiating and support of illegitimate children, and have directed me to report, that it is inexpedient further to legislate on that subject, the law at present in force, being in their opinion, sufficient.

The first and second propositions named in said report, were read and concurred in by the house; and the third fourth, fifth and sixth propositions named in said report, were ordered to lie on the table.

Mr. Boon, from the committee on claims, to whom was referred a resolution of this house, instructing them to enquire into the propriety of the auditor's auditing and the treasurer's paying the claims of the several officers who superintended the election of electors for president and vice-president of the United States, reported a joint resolution of the general assembly, authorizing the auditor of state to audit, and the treasurer to pay the claims of the several officers employed in the election of electors of president and vice-president of the United States.

Which was read the first time and passed to a second reading to-morrow.

Mr. Boon, from the committee on claims, to whom was referred the account of extra work done upon the governor's house, in the town of Indianapolis, by Austin Bishop and Robert Culbertson, over and above the original contract for building said house, and not included in said contract, reported a bill allowing additional compensation to Austin Bishop

and Robert Culbertson, for extra work done upon the governor's house.

Which was read the first time and passed to a second reading to-morrow.

Mr. Lomax, from the committee on roads, to whom was referred sundry petitions of the citizens of Shelby, Hancock and Madison counties, praying the location of a state road therein named, reported a bill to establish a state road from Shelbyville, via Marion, in the county of Shelby, Greenfield, in the county of Hancock, to Andersontown, in Madison county.

Which was read the first time and passed to a second reading to-morrow.

Mr. Levenworth, from the select committee, to whom was submitted a resolution of this house, respecting the right the state of Indiana has in the soil and eminent domain to the unappropriated lands within the same, reported a preamble and joint resolution on that subject.

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Dunn,

Ordered, That five hundred copies of said preamble and joint resolution be printed for the use of the members of this house.

Mr. Goodhue presented the following resolution for the consideration of the house, to wit:

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to enquire into the expediency of making provision by law for erecting two wings to the governor's house, and making such other alterations as may be required to convert said house into a state house.

Mr. Brown moved to lay said resolution on the table.

Which motion was decided in the negative.

The question then recurring on the adoption of

said resolution, the same was carried in the affirmative.

On motion of Mr. Lemon,

Resolved, That a select committee be appointed to enquire into the expediency of reporting a bill to this house, to provide for surveying and marking the dividing line, between the counties of Clark and Scott.

Whereupon,

The speaker appointed Messrs. Lemon, Goodhue and M'Pheeters that committee,

Mr. Craig, from the committee on the judiciary, to whom was referred the petition of John F. Jones and David Deitz, supported by the affidavit of William Herod, praying an impeachment against Benjamin Crow, esquire, a justice of the peace in and for the county of Bartholomew, reported that they have had the same under their consideration, and have directed me to report, that as there is no evidence of malice or ill intention on the part of said justice, in the opinion of this committee, the charges set forth are insufficient to warrant an impeachment.

Mr. Wallace moved to lay said report on the table.

Which motion was decided in the negative.

Said report was then concurred in by the house.

Mr. Long moved to take up the bill to change the mode of doing county business in certain counties therein named.

Which motion was carried in the affirmative.

Said bill was then committed to a committee of the whole house and made the order of the day for to-morrow.

The following message was received from the senate by Mr. Test, their assistant secretary, to wit:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives that the senate have passed bills

from the house of representatives of the following titles, to wit:

An act to amend the act entitled an act respecting a county seminary, and the seminary funds of Switzerland county;

An act for the relief of George Henry, James Borland and Ellis stone;

An act to amend the act entitled an act for the election of electors of president of the United States, approved January 14th, 1824; and

An engrossed memorial of the general assembly of the state of Indiana, on the subject of the continuation of the Cumberland road, and the removal of the timber out of the same.

The senate has passed an engrossed bill for the formation of the county of Cass; in which the concurrence of the house of representatives is requested.

The engrossed bill from the senate entitled an act for the formation of the county of Cass, was read the first and second times, the rules of the house having first been dispensed with, and was ordered to be read a third time to-morrow.

The speaker laid before the house the following communication from Benjamin I. Blythe, auditor of public accounts, containing a statement of the number of acres of first, second and third rate land, together with the number of polls assessed for the year 1828, to wit:

Counties.	1*st rate.*	2*d rate.*	3*d rate.*	*Polls.*
Allen,				170
Bartholomew,	10,601	36,307	3,860	789
Clark,	16,671	72,661	91,804	1,715
Clay,		4,112	559	149
Carroll,				167
Crawford,	100	10,818	16,626	475
Dearborn,	9,428	36,064	133,695	2,140
Decatur,	1,020	53,700	320	830
Daviess,	8,200	51,192	4,787	665

Dubois,	158	13,112	6,279	279
Delaware,				176
Fayette,	2,739	73,734	25,507	1,197
Floyd,	4,961	19,885	38,078	802
Fountain,	5,274	4,229	80	807
Franklin,	8,665	72,563	45,895	1,360
Gibson,	20,176	54,079	10,113	774
Greene,	3,753	18,668	12,144	585
Hamilton,	445	8,892	2,075	241
Harrison,	1,831	33,521	140,491	1,506
Hendricks,		11,389		430
Henry,	2,511	21,772	9,168	567
Hancock,	921	2,680	240	135
Jackson,	240	42,175	19,656	660
Jefferson,	5,018	59,420	74,462	1,660
Jennings,	561	32,997	17,982	561
Johnson,	6,900	11,002	80	506
Knox,	3,609	45,412	100,925	922
Lawrence,	687	43,279	52,288	1,136
Madison,	440	960	30	206
Marion,	8,498	62,564	7,449	1,023
Martin,	4,126	17,319	3,419	314
Monroe,	703	42,471	16,394	921
Montgomery,	12,948	9,152	80	629
Morgan,	6,312	17,271	2,564	536
Orange,		34,590	56,803	1,179
Owen,	670	7,622	14,198	429
Parke,	3,033	28,694	3,005	840
Perry,	7,263	11,396	7,177	457
Pike,	2,195	21,860	3,272	339
Posey,	5,172	49,883	36,707	1,050
Putnam,	3,489	16,768	170	1,039
Randolph,	10,105	29,393	16,905	522
Ripley,		34,087	33,613	681
Rush,	745	1,524	99,373	1,250
Scott,	806	48,364	6,019	470
Shelby,	3,180	45,077	4,689	806
Spencer,	5,289	19,485	18,566	452

Sullivan,	940	77,700	14,574	739
Switzerland,	6,145	23,008	77,494	1,041
Tippecanoe,				445
Union,	1,249	69,820	24,625	1,125
Vanderburgh,	85,915	13,169	10,548	392
Vigo,	37,493	52,892	1,080	850
Vermillion,	2,895	28,352	3,765	544
Warrick,	2,069	25,631	1,150	399
Washington,	189	59,886	95,380	1,819
Wayne,	6,493	82,154	112,470	2,301
Warren,	720			178

Which was read and referred to the committee of ways and means.

Mr Kinnard, after having obtained leave, presented a bill to locate and open a state road from Indianapolis to Lafayate, in the county of Tippecanoe.

Which was read the first time and passed to a second reading to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The bill legalizing the proceeding of the board of commisoioners of Vigo county; and

The bill to amend the act subjectings real and personal property to execution, were read the second time and ordered to be engrossed and read a third time to-morrow.

The bill attaching part of the county of Clark to the county of Floyd, was read the second time and committed to a committee of the whole house to-morrow.

The joint resolution relative to the laws of congress in the office of the secretary of state, was read the second time and ordered to be engrossed and read the third time to-morrow.

The engrossed bill supplemental to an act enti-

tled an act appointing commissioners to relocate the seat of justice of Lawrence county; and

The engrossed bill to establish a state road from Mount Vernon to the Wabash river, at Collins' ferry, in the direction of Vandalia, in the state of Illinois, were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the senate and ask their concurrence therein.

On motion of Mr. Sweetser,

The committee of the whole house to which was committed the bill to amend the act entitled an act attaching certain territory to the counties therein named, approved January 16th, 1828, was discharged from the further consideration thereof.

Mr. Sweetser moved to amend said bill by adding the following as an additional section thereto, viz:

Sec. 2. "And all the residue of the territory lying west of Bartholomew county, as existing prior to the year 1827, and east of Monroe, which has not been attached to the counties of Jackson or Monroe, by this act, and the act to which this is an amendment, shall be, and the same is hereby made a part of the county of Bartholomew, to all intents and purposes.

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill to amend the act entitled an act amendatory of the law, and for the better advancement of justice, approved January 20th, 1826; and after some time spent therein, the speaker resumed the chair, and Mr. Boon reported said bill with several amendments; which were concurred in by the house generally.

The said bill was then ordered to be engrossed and read the third time to-morrow.

The house resolved itself into a committee of the whole on the bill to repeal the act entitled an act relative to fugitives from labor, approved January 22d, 1824; and after some time spent therein, the speaker resumed the chair, and Mr. Slaughter reported said bill without amendment.

The same was then ordered to be engrossed and read the third time to-morrow.

The house resolved itself into a committee of the whole on the bill to amend the act authorizing domestic attachments, and to regulate the proceedings therein, approved January 22d, 1824; and after some time spent therein, the speaker resumed the chair, and Mr. Lomax reported the same with one amendment; which was concurred in by the house.

The said bill was then ordered to be engrossed and read the third time to-morrow.

The house resolved itself into a committee of the whole on the bill to continue and locate the road from Lake Michigan, by the way of Indianapolis to some point on the Ohio river; and after some time spent therein, the speaker resumed the chair, and Mr. Worth reported progress, and asked leave to sit again; which leave was granted by the house.

Mr. Marshall from the joint committee for enrolled bills, reported as follows:

Mr. Speaker,

The joint committee for enrolled bills report, that they have compared the enrolled with the engrossed bills, entitled acts as follows, to wit:

An act for the relief of George Henry, James Borland and Ellis Stone;

An act to amend the act entitled an act to provide for the election of electors of president and vice president of the United States, approved January 14th, 1824;

An act to amend the act entitled an act respect-

ing a county seminary, and the seminary funds of Switzerland county;

An act to revive the act entitled an act to amend the act entitled an act for the benefit of those persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826, approved, January 11th, 1827;

Also the following joint resolutions and memorial, to wit:

A joint resolution relative to the reserved lands of the United States, on the margin of, and contiguous to the contemplated canal to unite the waters of Lake Erie and the Wabash river;

A memorial of the general assembly of the state of Indiana, on the subject of the continuation of the Cumberland road, and the removal of the timber out of the same.

And find the same truly enrolled. When,

The speaker signed said bills and joint resolutions.

Ordered, That the clerk carry the same to the senate for the signature of their president.

And then the house adjourned until to-morrow morning nine o,clock.

TUESDAY MORNING, DECEMBER 16th, 1828.

The house met pursuant to adjournment.

The speaker laid before the house, the following communication from Thomas Coffin, agent of the French lick, to wit:

PAOLI, ORANGE COUNTY, Dec. 12th, 1828.

To the Hon. the Speaker of
the House of Representatives:

I hereby inform you, and through you, the legislature, that agreeably to an act of the general assembly, I employed a person to bore for salt at the French lick, and he has bored two hundred feet as the law authorizes; and I have tried the strength of the water as accurately as practicable, and find that sixty gallons only makes two and a quarter pounds of salt. There appears to be no scarcity of water. I had the water dipped out of the cistern for nearly five hours in succession, and it appeared to rise as fast at the last, as it did at the commencement.

THOMAS COFFIN, *Agent.*

Which was read and ordered to lie on the table.

The speaker laid before the house an account of Walker, Carter, & Co., against the state of Indiana, for provisions, &c. furnished the commissioners of the Michigan road.

Which was read and referred to the committee on claims.

Mr. Sweetser, from the committee on the judiciary, to whom was referred two resolutions of this house, relative to the payment of costs and witnesses in criminal cases, reported a bill to provide for the payment of witnesses in prosecutions by the state.

Which was read the first time.

Mr. Sweetser moved to reject said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Blair, Child, Elliott, Frisbie, Hillis, Kinnard, Lemon, Lomax, Long, Lynd, Matlock, M'In-

dre, Morris, M'Pheeters, Riley, Ritchey, Steele, Stewart, Sweetser, Welburn, Williams and Worth —22.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Boon, Brown, Craig, Crume, Dufour, Dumont, Dunn, Finley, Goodhue, Hendricks, Levenworth, Leviston, Marshall, Orr, Pabody, Palmer, Pennington, Pollock, Read, Sample, Slaughter, St. Clair, St. John, Taylor, Wallace, Work, Young and Howk, Speaker—31.

So said motion was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. Kinnard, from the committee on the affairs of the town of Indianapolis, to whom was referred so much of his excellency the governor's message, as relates to the procuring of a fire engine for the preservation of the public buildings in said town, reported as follows, to wit:

Your committee believe that the preservation of the public, and other buildings from fire, deserves the serious attention of the legislature. As a necessary mean of accomplishing that object, they recommend the purchase of a fire engine. They beg leave to state, that a fire company has already been organized in the town of Indianapolis, whose public spirit is the surest pledge that their active exertions will be used to preserve from fire, the property of the state, as well as that of individuals. The expense of procuring a fire engine, to be placed under their control and direction, would be amply compensated by the encouragement thereby given to their laudable design, and by the increased security thus given to the state.

Mr. Kinnard then reported a bill to authorize the agent of state for the town of Indianapolis, to procure a fire engine for the preservation of the public, and other buildings in said town.

Which was read the first time and passed to a second reading to-morrow.

Mr. Lomax, from the committee on roads, to whom was referred the petition of Daniel Sigler and others, praying the location of a certain state road therein named, reported a bill to establish a state road from Gallatin, via Greencastle, Mooresville, to Franklin.

Which was read the first time and passed to a second reading to-morrow.

Mr. Lomax, from the same committee, to whom was referred the petition of Peter Nolin and others, praying the relocation of a part of the state road therein named, reported a bill to relocate part of the state road leading from the Ohio line, by Winchester, to Indianapolis.

Which was read the first time and passed to a second reading to-morrow.

Mr. Goodhue, from the select committee to whom was recommitted the engrossed bill subplemental to the act entitled an act to amend the act to regulate the judicial circuits, and fixing the times of holding courts, approved February 12th, 1825, reported the same with an amendment.

Which was twice read at the clerk's table and agreed to by the house.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Palmer, from the select committee to whom was referred the bill to amend an act entitled an act establishing a county treasurer, approved January 31st, 1824, reported the same with one amendment.

Which was twice read at the clerk's table, and concurred in by the house.

Said bill was then committed to a committee of the whole house and made the order of the day for to-morrow.

On motion of Mr. Boon,

Mr. Craig was added to the committee on claims.

Mr. St. Clair, after having obtained leave, presented a bill to authorize county surveyors to obtain copies of the field notes of the original corners of land in their respective counties.

Which which was read the first time and passed to a second reading to-morrow.

Mr. Goodhue, after having obtained leave, presented a bill for the more speedy collection of forfeitures on officers bonds in certain cases therein named.

Which was read the first time and passed to a second reading to-morrow.

Mr. Williams, after having obtained leave, presented a bill to amend an act declaring salt creek a public highway, approved January 14th, 1827.

Which was read the first time and passed to a second reading to-morrow.

The following message was received from the senate, by Mr. Test, their assistant secretary, to wit:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed bills of the house of representatives of the following titles, to wit:

An act for the relief of the infant heirs of Westley Harrison, deceased;

An act to authorize Samuel Conner to build a warehouse on part of water street in the town of Rome; and

An act to authorize the judges of the Montgomery circuit court to hold a special session, without amendment.

They have passed engrossed bills of the following titles; to wit:

An act making provision for compensation to the recorders of Gibson and Monroe counties;

An act to prevent the sale of spiritous liquors to the Indians; and

An act regulating the mode of doing county bu-

siness in the counties of Allen, Hendricks and Madison. In which three last mentioned bills the concurrence of the house of representatives is requested.

The engrossed bill, from the senate, making provision for compensation to the recorders of Gibson and Monroe counties, was read the first time and passed to a second reading to-morrow.

The engrossed bill, from the senate, regulating the mode of doing county business in the counties of Allen, Hendricks and Madison, was read the first and second times; the rules of the house having first been dispensed with, and committed to the same committee of the whole house to which is committed the bill of this house on the same subject.

The engrossed bill, from the senate, to prevent the sale of spiritous liquors to the Indians, was read the first time and passed to a second reading to-morrow.

The bill to locate and open a state road from Indianapolis to Lafayette, in the county of Tippecanoe, was read the second time and committed to a committee of the whole house, and made the order of the day for to-morrow.

The bill concerning the election of representatives to congress, was read the second time and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill declaratory of the legal rights of juries, was read the second time and committed to a committee of the whole house for Saturday next.

The bill to establish a state road from Shelbyville via Marion, in the county of Shelby, Greenfield, in the county of Hancock to Andersontown, in Madison county, was read the second time and committed to a committee of the house and made the order of the day for Saturday next.

The bill allowing additional compensation to Austin Bishop and Robert Culbertson, for extra

work done on the Governor's house, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The joint resolution, of the general assembly, authorising the auditor of state to audit, and the treasurer of state to pay the claims of the several officers employed in the election of electors of president and vice president of the United States, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The preamble and joint resolution upon the subject of the right of soil and eminent domain, within the state of Indiana, was read the second time, and committed to a committee of the whole house, and made the order of the day for Saturday next.

The engrossed bill legalising the proceedings of the board of commissioners for the county of Vigo:

The engrossed bill to repeal an act entitled an act relative to fugitives from labor, approved January 22, 1824:

The engrossed bill to amend the act authorising domestic attachments and to regulate the proceedings thereon, approved, January 2, 1824:

The engrossed bill to amend an act attaching certain territory to the counties therein named, approved, January 16, 1828:

The engrossed bill to amend an act entitled an act amendatory of the law, and for the better advancement of justice:

The engrossed bill to amend the act subjecting real and personal estate to execution:

The engrossed joint resolution relative to the laws of congress remaining in the office of the secretary of state—and

The engrossed bill, from the senate, entitled an

act for the formation of the county of Cass, were severally read third time and passed.

Ordered, That the said bills of this house be entitled "acts," and that the clerk carry the same to the senate, together with said joint resolution, and ask their concurrence therein, and that they be informed of the passage of the last named bill.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The following message was received from the senate bv Mr. Test, their assistant secretary, to wit:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives that they have, on this day, passed

An act to authorise William Richards, administrator of the estate of Gabriel Richards, deceased, to act as the guardian of the minor heirs of said Gabriel Richards.

An act to repeal part of an act entitled an act regulating the inspection of tobacco, approved, Dec. 27. 1816.

An act to authorize the surveying and marking the boundary line between the counties of Clark and Washington: without amendment.

All of which originated in the house of representatives.

They have slso passed an engrossed memorial to congress, on the subject of improving the mail road from Louisville to St. Louis.

In which the concurrence of the house of representatives is requested.

They have also adopted a joint resolution concerning the road from Lonisville, via Vincennes to St. Louis; with two amendments thereto.

In which the concurrence of the house is requested.

The amendments proposed by the senate to the engrossed joint resolution concerning the road from Louisville, via Vincennes, to St. Louis, were read and ordered to lie on the table.

The engrossed memorial to congress on the subject of improving the road from Louisville to St. Louis, was read the first time, and passed to a second reading to-morrow.

Mr. Read moved that the committee of the whole house to which was committed the bill to locate and open a road from Lake Michigan, by the way of Indianapolis, to the Ohio river, be discharged from the further consideration thereof.

Which motion was decided in the negative.

The house then resolved itself into a committee of the whole on said bill; and after some time spent therein, the speaker resumed the chair, and Mr. Long reported progress and asked leave to sit again.

Which leave was granted by the house.

The house resolved itself into a committee of the whole on the bill attaching part of the county of Clark to the county of Floyd; and after some time spent therein, the speaker resumed the chair, and Mr. Elliott reported the same without amendment.

On motion of Mr Lemon,

Said bill was ordered to lie on the table.

The house resolved itself into a committee of the whole on the bill to incorporate the townships in the county of Shelby; and after some time spent therein, the speaker resumed the chair, and Mr. Hendricks reported the same with one amendment.

Which was agreed to by the house.

The said bill was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Slaughter,

The committee of the whole house, to which was committed the joint resolution relative to a portion

of the three per cent. fund, was discharged from the further consideration thereof.

Mr. Sweetser moved to postpone the further consideration of said joint resolution indefinitely.

Which motion was decided in the negative.

The said joint resolution was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Craig,

Leave of absence is granted to Mr. Marshall for the balance of the session.

Mr. St. Clair, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills entitled as follows, viz:

An act for the relief of the infant heirs of Westley Harrison, deceased;

An act to authorize Samuel Conner to build a warehouse on part of water street in the town of Rome;

An act to authorize the judges of the Montgomery circuit court to hold a special session; and

A joint resolution for the benefit of purchasers of public lands.

And find the same truly enrolled. When,

The speaker signed the said acts and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

And then the house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, December 17, 1828.

The house met pursuant to adjournment.

Mr. Hillis, from the committee of ways and means to whom was referred a resolution of this house, di-

recting them to enquire into the expediency of exempting such persons as may have served either as an officer or soldier in the revolutionnary war from paying revenue, either for state or county purposes, reported that the present law amply and liberally provides for those persons, and that it is inexpedient to legislate further on that subject.

Which report was read, and concurred in by the house.

Mr. Hillis, from the same committee, to whom was referred a resolution of this house, directing them to enquire into the expediency of abolishing the office of collector of revenue, and so amending the law defining the duty of county treasurer, as to require him to meet the people in the several townships, to receive and receipt for taxes, reported that it is inexpedient to legislate on that subject.

Which was read, and concurred in by the house.

Mr. Boon, from the committee on claims, made the following report, viz:

The committee on claims, to whom was referred the petition of William S. M'Donald, and accompanying documents, have had the same under their consideration, and have instructed me to report, that it is the opinion of said committee, that the said M'Donald ought to be allowed the sum of one hundred and forty-eight dollars and twenty-five cents, for money expended by him, in arresting and bringing to trial, William H. Rothwell, the murderer of William Pitman, exclusive of the amount paid by N. and G. Guilford; and the committee further states, that it is their opinion, that he ought to be allowed forty dollars for his services and perseverence in taking said Rothwell; and the committee therefore recommend the adoption of the following resolution, viz:

Resolved, That the committee of ways and means be instructed to allow to William S. M'Donald, in

the specific appropriation bill, the amount as set forth in the above report.

Mr. Levenworth moved to amend said report by striking out the word "forty," and inserting "one hundred," in lieu thereof.

Which motion was carried in the affirmative.

Said report as amended, was then concurred in by the house.

Mr. St. Clair, from the joint committee for enrolled bills, made the following report, viz:

Mr. Speaker,

The joint committee for enrolled bills report, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act for the relief of George Henry, James Borland and Ellis Stone;

An act to revive the act entitled an act to amend the act entitled an act for the benefit of those persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the sixth of March, 1826, approved January 11th, 1827; and

A memorial of the general assembly of the state of Indiana, on the subject of the continuation of the Cumberland road, and the removal of the timber out of the same;

A joint resolution relative to the reserved lands of the United States, on the margin of, and contiguous to the contemplated canal to unite the waters of Lake Erie and the Wabash river;

An act to amend the act entitled an act for the election of electors of president and vice president of the United States, approved January 14th, 1824;

An act for the relief of the infant heirs of Westley Harrison, deceased;

An act to authorize Samuel Conner to build a

warehouse on part of water street, in the town of Rome;

A joint resolution relative to the purchasers of public lands; and

An act to authorize the judges of the Montgomery circuit court to hold a special session.

Mr. Leviston, from the select committee to whom was referred the petition of William Youse and others, praying for the passage of a special act authorizing William Youse to build a toll bridge across the east fork of Whitewater river, reported a bill to authorize William Youse to build a toll bridge across the east fork of Whitewater river.

Which was read the first time and passed to a second reading to-morrow.

Mr. Judah moved that the clerk of this house be directed to furnish the senate with the original report, &c. of the commissioners of the Wabash and Miami canal, made on Saturday last.

Which motion was carried in the affirmative.

Mr. Sweetser, from the select committee to whom was referred the petition of John M. Gwinn and others, of Bartholomew county, reported that they have had the same under consideration, and directed him to report, that the prayer of the petitioners ought to be granted.

Said report was read and referred to the same committee of the whole house to which was committed the bill to establish a state road from Shelbyville, via Marion, in the county of Shelby, Greenfield, in the county of Hancock, to Andersontown, in Madison county.

Mr. Sample presented the following resolution for the consideration of the house, viz:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of making the malicious destruction of apple, pear, cherry and peach trees, a penitentiary offence; and also of giv-

ing a more effectual civil remedy against trespassers on ornamental or shade trees, grape vines, shrubbery, &c.

Mr. Craig moved to amend said resolution so as to refer it to a select committee.

Which motion was carried in the affirmative.

Said resolution as amended, was then adopted by the house; and Messrs. Sample, Dufour and St. John were appointed that committee.

On motion of Mr. Dufour;

Resolved, That the committee on the affairs of the town of Indianapolis, be directed to enquire into the expediency of laying out and appropriating, for public walks and pleasure grounds, hereafter to be enclosed, and planted with ornamental trees, some of the unsold lands within or immediately adjoining to said town; with leave to report by bill or otherwise.

On motion of Mr. Kinnard;

Resolved, That a select committee be appointed to enquire into the expediency of appropriating towards the completion of so much of the Michigan road, as lies between Indianapolis and Lake Michigan, one hundred and seventy sections of the land granted to make said road, by the late treaty with the Potawatomie Indians, so soon as the sections of land aforesaid shall be selected.

The speaker then appointed Messrs. Kinnard, Finley and Welburn that committee.

Mr. Steele presented the following resolution, viz:

Resolved, That the committee on roads be, and they are hereby instructed to introduce into the road law of this year, the 11th section of the road law of 1824, as the most equitable law, on the subject of working on public roads and highways.

Which was ordered to lie on the table.

Mr. Craig presented the following resolution, viz:

Resolved, That the secretary of state be instruct-

ed to report to this house the number of commissions issued from his office, between the fourteenth day of February, and the twenty-ninth day of April last, together with the grade of the officers thus commissioned, whether civil or military; and whether the documents and returns of elections upon which said commissions were issued, were ever submitted to the inspection of the governor before issuing the same.

Mr. Pennington moved to lay said resolution on the table.

Which motion was decided in the negative.

Said resolution was then adopted by the house.

Mr. Dufour, after having obtained leave, presented a bill to encourage the improvement of the breed of certain animals therein named.

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house and made the order of the day for to-morrow.

Mr. St. Clair, from the joint committee for enrolled bills, made the following report, viz:

Mr. Speaker,

The joint committee for enrolled bills report, that they have compared the following enrolled bills, entitled acts with the engrossed bills, to wit:

An act for the formation of the county of Cass;

An act to authorize the surveying and marking the boundary line between the counties of Washington and Clark;

An act to repeal part of an act entitled an act regulating the inspection of tobacco, approved December 27th, 1816;

An act to authorize William Richards, administrator of the estate of Gabriel Richards, deceased, to act as guardian of the minor heirs of said Gabriel Richards.

And find the same truly enrolled; when

The speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their president.

On motion of Mr. Palmer,

Mr. Leviston was added to the committee for enrolled bills, in place of Mr. Marshall, who has obtained leave of absence during the present session.

On motion of Mr. Moyer,

The house took up the report of Thomas Coffin, agent of the French Lick.

Which report, together with a further report of said agent, was referred to the committee on claims.

The speaker laid before the house the following communication from Samuel Merrill, treasurer of state, to wit:

To the House of Representatives
of the State of Indiana:

It will be recollected by some of your body, that when the committee of ways and means of last session made their report to the house, the chairman, Mr. Clendenin, then stated that the balances reported by the committee did not agree with those taken from the books of the treasury. He also stated that the committee, from the lateness of the session, and their other employments, were not then able to ascertain how the difference had arisen. At the request of that committee, the books of this office have been carefully compared with the several reports of the committee of ways and means, and the following, among some smaller errors, have been discovered, viz:

In the report for the year 1824, there is a mistake of $99 70, in the addition of the specific appropriations for that year; and in the report of the year 1825, there is an error of $175 00, occasioned by the omission of a quarter's salary audited for Judge Wick in that year.

There has also been for some years, a small difference betwen the books of the auditor and treasur-

er. During the examination above mentioned, the following errors were discovered:

In the year 1821, Mr. Lane, the late treasurer, made a mistake of $50 00 against himself in transferring a balance. In the year 1822, the late auditor twice credited the sum of $60 00, being the excess of the last loan from the Vincennes Bank, above the interest then due. There was also in that year an error of one dollar eighty cents in the credit given by the auditor, for the cash paid out of the contingent fund. The expenditures reported by the treasurer in the year 1826, exceed those reported by the auditor, $2 46; but how that difference arose has not been ascertained. The correction of these errors would, from the annual reports of the auditor and treasurer in 1827, bring their books within five dollars and twelve cents of each other. With the hope that these subjects may be referred to the committee of ways and means, for their examination, along with the annual reports for this year, this statement is respectfully submitted.

S. MERRILL, *Treas'r.*

December 16, 1828.

Which was read and referred to the committee of ways and means.

The bill to provide for the payment of of witnesses in prosecutions by the state, was read the second time; when

Mr. Craig moved to commit said bill to a select committee.

Which motion was carried in the affirmative.

The speaker then appointed Messrs. Craig, Dunn and Dumont that committee.

The bill to authorize county surveyors to obtain copies of the field notes of the original corners of land in their respective counties, was read the second time, and committed to a committee of the

whole house, and made the order of the day for to-morrow.

The engrossed memorial from the senate, to congress on the subject of improving the mail road from Louisville to St. Louis, was read the second time.

Mr. Elliott moved to lay said memorial on the table.

Which motion was decided in the negative.

Mr. Read then moved that the rules of the house be dispensed with, and said memorial be read a third time now.

Which motion was decided in the negative.

Said memorial was then committed to a committee of the whole house and made the order of the day for to-morrow.

The bill for the more speedy collection of forfeitures of officers bonds in certain cases therein named, was read the second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The engrossed bill from the senate, to prevent the sale of spiritous liquors to the Indians, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The engrossed bill from the senate making provision for compensation to the recorders of Gibson and Monroe counties, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill to amend an act entitled an act declaring Salt creek a public highway, approved January 14th, 1827, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill to relocate part of a state road leading from the Ohio line by Winchester, to Indianapolis, was read the second time, and committed to a com-

mittee of the whole house and made the order of the day for to-morrow.

The bill to establish a state road from Gallatin, via Greencastle, Mooresville to Franklin, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill to authorize the agent of state for the town of Indianapolis to procure a fire engine for the preservation of the public and other buildings in said town, was read the second time and committed to a committee of the whole house and made the order of the day for to-morrow.

The engrossed bill to incorporate the townships in the county of Shelby, was read the third time and passed.

Ordered, That the same be entitled An act, and that the clerk carry the same to the senate, and ask their concurrence therein.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock*, *P. M.*

The house met pursuant to adjournment.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am instructed by his excellency, the governor, to inform the house of representatives that he has on this day approved and signed—

An act to authorize the judges of the Montgomery circuit court to hold a special session. Originated in this house.

The following message was received from the senate, by Mr. Dill, their secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house

of representatives that the senate have adopted the following resolution:

Resolved, That our secretary be authorized to enquire, on behalf of the senate, of the speaker of the house of representatives, whether or not, the commissioners acting under the act of last session, relative to the Wabash canal, have embraced all the information presented by them in the report transmitted by his house, to the senate; and if any documents accompanied the presentation of that report, to request that the senate may be furnished with the same.

On motion of Mr. Sweetser,

Resolved, That the house of representatives are aware of the importance of a friendly and respectful intercourse between this house and the senate, two co-ordinate branches of the general assembly, and that this house has, during the present session, endeavored to regard the senate in that light, which so respectable a body of the representatives of the people deserve, and have a right to expect reciprocity of feeling and treatment. That in pursuance of a desire of harmony and continued good understanding only, they reply to the resolution of the senate this day adopted and reported, calling on the speaker for information relative to the disposition of the documents accompanying the report of the canal commissioners, and inform the senate that there was but one copy of said documents, which are very voluminous delivered to the house, and that they have been referred to the appropriate committee, and are within the control of this house; and that the plats and profiles of the line of the canal, and other documents referred to in their report, were not transmitted to the senate.

The engrossed joint resolution relative to a part of the three per cent. fund, was read the third

time. And on the question being put, shall said joint resolution pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Child, Dufour, Dumont, Dunn, Elliott, Frisbie, Lemon, Levenworth, Leviston, Lynd, Moyer, Pennington, Pollock, Riley, Ritchey, Slaughter, St. Clair, Steele, Williams, Work and Young—25.

And those who voted in the negative are,

Messrs. Craig, Crume, Deming, Finley, Goodhue, Hendricks, Hillis, Kinnard, Lomax, Long, Matlock, M'Inire, Morris, M'Pheeters, Orr, Pabody, Palmer, Sample, St. John, Stewart, Sweetser, Taylor, Wallace, Welburn and Howk, Speaker—25.

And so said joint resolution was lost.

The engrossed bill supplemental to an act entitled an act to amend the act to regulate the judicial circuits, and fixing the times of holding courts, approved February 12th, 1825, was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The house resolved itself into committee of the whole on the bill to amend an act entitled an act establishing a county treasurer, approved January 31st, 1824; and after some time spent therein, the speaker resumed the chair, and Mr. Allen reported progress and asked leave to sit again.

Which was granted by the house.

The house resolved itself into committee of the whole on the bill to locate and open a state road

from Indianapolis to Lafayette, in the county of Tippecanoe; and after some time spent therein, the speaker resumed the chair, and Mr. Bassett reported the same with several amendments.

And then the house adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, December 18, 1828.

The house met pursuant to adjournment.

Mr. Brown presented a petition of Adam Conde and others, citizens of Rush county, praying the location of a state road from Franklin, in Johnson county, via Shelbyville, in Shelby county; thence eastwardly, to intersect a road in Rush county; thence with said road to Andersonville.

Which was read and referred to the committee on roads.

Mr. Lynd presented a petition of Samuel Chambers and others, of Orange county, praying further compensation may be allowed William Craig, for boring for salt water at French Lick.

Which was read and referred to the commitee on claims.

Mr. Kinnard presented an acconut of Samuel and Robert Patterson, of Marion county, for compensation for extra work done on the clerk's office of the supreme court.

Which was read and referred to the commitee on claims.

Mr. Lomax, from the committee on roads, to whom was referred the petition of William Youse and others, also the petition of William Port and others, praying the location of a state road therein named, reported a bill to establish a state road from or near

Brownsville, via the Waterloo road and Milton, to intersect the state road leading from Centreville to Indianapolis.

Which was read the first time and passed to a second reading to-morrow.

Mr. Judah, from the committee on canals and internal improvements, to whom was referred the report of the commissioners of the Wabash and Miami Canal, that part of his excellency, the governor's message which relates to the same, together with sundry petitions of the citizens of this state, praying that part of the lands adjoining and contiguous to the line of said canal may be brought into market, made the following report, viz:

The committee upon canals and internal improvements have had under their consideration, the report of the commissioners of the Wabash and Miami canal, and the documents which were with that report submitted, and also the various petitions relative to that proposed canal, and to the lands granted to the state by congress to aid the state in the formation of the canal which have been referred to them.

The committee are satisfied that the utility of canal navigation; its superior advantages over all other modes of transportation; its importance to the inhabitants of an agricultural sta e, situated at a great distance from the ocean, are considerations which do not require argument or illustration from them. These are propositions which have been long approved by public opinion, and which have been sanctioned by the example of the most prosperous governments, and most enlightened people.

Amongst the various improvements, by canals, which have been projected in this state, a canal to connect the navigable waters of the Wabash with the navigable waters of Lake Erie, under every aspect, whether considered in relation to its importance to the inhabitants of a large portion of our territory, to whose products it will afford a choice of

markets—or, to its consequence in connecting together the various and distant parts of our country, in opening a new channel for commercial enterprise, and in affording increased facilities for defence in war, is of primary importance.

The examination of the United States' Engineer, and of the commissioners of the Wabash and Miami canal have ascertained that the facilities afforded by nature in the formation of the country through which this canal will pass, are very great; far exceeding those presented upon any other canal route, of the same or greater extent, in the Union—that a sufficient supply of water can be commanded in all seasons, and that those obstacles, which, in New-York and Ohio, have required the expenditure of vast sums of monev, do not exist. These examinations have conclusively answered all doubts which heretofore existed relative to the practicability of this proposed canal communication.

A serious consideration of the whole subject referred to the committee has brought them to the conclusion, that the time has arrived for the general assembly to decide, whether the state will progress in, or will recede from, the proposed improvement; and it does appear, now, that the superior advantages of canal navigation are so generally admitted, and that the practicability, and indeed, remarkable facility of forming the proposed canal, is so clearly ascertained, that the only reasonable cause of hesitation, which could arise relative to this important undertaking, must originate in considerations as to the manner of obtaining funds to defray the necessary expenditure.

This part of the subject, the manner of obtaining funds to meet the necessarv expenditure, has received from the committee all the attention which a consideration so important merited. Assuming for so much of the work as has been located by the commissioners, their estimate; and for the balance.

the estimates of Col. Moore—the whole amount which will be required for the completion of the work is $1,081,970 00. There is no doubt but that these estimates exceed the amount which the work will finally require. The commissioners made considerable advances upon the cost of similar work elsewhere, for the purpose of preventing any disappointment; and a comparison of Col. Moore's estimates for the part now actually located, with the estimates of the commissioners for the same part of the line, affords a strong presumption that the cost for the whole canal will fall below his estimates. Nor in any circumstances, would the whole amount be required at once. It is true, by a vigorous effort, the whole canal route might be located and placed under contract by the 1st September next, and made ready for navigation at the termination of the second year after. But it is believed that the completion of the whole canal should be deferred to a more distant period.

The committee have been influenced by the known opinions of the late De Witt Clinton, given to the commissioners of the Ohio canal; that by progressing gradually in the completion of a canal, instead of placing the whole under contract at once, "as the operation proceeds, there will be an augmentation of skill and acquisition of experience, which will produce economy and improved workmanship," and that "the banks will become consolidated before much use." The committee have consulted with the Board of Commissioners on this subject, and have received from them an expression of opinion in accordance with their own sentiments.—It is presumed, that a regard for the best interest of the state will dictate that, the different sections of the canal should be placed under contract at such times, as will avoid on the one hand a too rapid advancement of the work and a consequent increase of expense and defective execution—and on the other

hand such procrastination as would weaken the confidence of purchasers of public lands, and the dealers in public stocks, in relation to the final execution of the undertaking. The committee have endeavored to form such a conclusion on this subject, assisted by the experience of New York and Ohio, and by the opinions of the commissioners, as will merit the public approval. The committee believe, that the public advantage, a regard for cheapness, and for the perfect execution of the work; a deep interest in the final completion of an undertaking, under every aspect of first importance, will require, that the work should proceed as follows:—

That, the feeder line, and canal from the feeder to Little river, be placed under contract by the first September, 1829, and be completed in the summer of 1832.

That, the canal from Little river to Salamania, and also from the feeder east, to lock No. 1, be placed under contract by 1st September, 1830, and completed in the summer of 1833.

That, the canal from Salamania to Mississinewa be placed under contract by the 1st September, 1831, and be completed in the summer of 1834.

That, the canal from Mississinewa to Eel river be placed under contract by the 1st September, 1832, and completed in the summer of 1835.

That, the canal from lock No. 1, to the Ohio state line, be placed under contract by 1st September, 1833, and completed in the summer of 1836.

That, the canal from Eel river to Tippecanoe be placed under contract by 1st September, 1834, and completed in the summer of 1837.

It will be recollected, that the commissioners have reported, that the summit section can be placed under contract by the first of September next; and that, if at any future time greater rapidity in the execution of the work, should become necessary or

advisable, it will be in the power of the legislature to effect the same.

Upon these positions the amount of the cost of the canal $1,081,970 00 will be required as follows:

By the 1st day of May,	1830,	$187,814	85
" "	1831,	158,970	85
" "	1832,	139,256	45
" "	1833,	206.061	36
" "	1834,	111,578	52
" "	1835,	278,333	04

The committee have assumed the 1st day of May, in each year, as the period at which the several sums necessary, will be required; but nearly from an eighth to a fourth of each sum will be required on the 1st of September preceeding, and one half of each of these sums will not be required until one year after each of the dates specified.

Experience will hereafter afford light upon this subject, and enable the state to make such arrangements as convenience and economy will require—however, it is very doubtful whether the times when the several sections of the canal can be placed under contract, and consequently, the periods when the several sums of money will be required, entirely dependant upon circumstances, varied in their nature, and some of them beyond the reach of ordinary foresight, can be regulated by law. These must probably be left to the discretion of the commissioners and engineers.

In addition to the sum of $187,814 85, the further sum of 4,500 dollars in addition to the balance of former appropriation say 107 dollars 55 cents now on hand, will be required to defray the necessary expenses (the items of which are stated in the appendix) of the commissioners, engineers and assistants during the ensuing season. Making in the

whole the sum of 192,314 dollars and 85 cents.—This sum will be required as follows:

1st September	1829	$25,000	
1st May	1830	95,000	
1st May	1831	72,314	85
		$192,314	85

It is well known that in public as in private affairs, confidence is entirely dependant upon punctuality; and that should a loan be necessary at any time, its terms will greatly depend upon the assurance which may be afforded for the punctual payment of interest; and that the future character of the state will depend upon the promptitude with which its obligations are executed. Therefore the committee will now observe, that in their opinion, it will be necessary to include in the amount to be borrowed, a sum sufficient to meet the interest on the first instalment of $25,000 for eighteen months, and on the second of $95,000, for twelve months, which sum, with such further sum as will make the sum of $12,000, shall be held subject to the orders of the proper officers, to be applied to make up any deficiencies in the means provided for the payment of interest, and for that purpose only. The committee will hereafter endeavor to mark out a course, by which the largest portion of the interest upon this sum may be saved to the state. Of this sum, $750 00 will be required on the 1st of March 1830, but it is believed that the appropriation of $25,000 will exceed the amount necessary up to that time, and at all events, the next General Assembly will be able to make any necessary provision therefor.—Wherefore the committee have considered this sum not necessary until 1st of May 1830, at which time one years interest more, on that amount, and one years interest on $95,000 should be provided, ma-

king in the whole $7,950. This amount, added to the sum of $192,314 85, may be called in round numbers $200,000, and that will be required as follows:

12 1 2 per cent. or $25,000 on the 1st of Sept. 1829;
50 per cent. or $100,000 on the 1st of May 1830;
37 1-2 per cent. or $75,000 on the 1st of May 1831.

The committee have proceeded on the supposition, that a loan would be directed to be negotiated.

They do not think any argument from them can be necessary to show, that a sale of the lands granted to the state, for the purpose of raising money wherewith to defray the expense of forming the canal, would be insufficient and impolitic. The consequence would be, that before the work could be half completed, the fund would be exhausted.

The committee consider that the lands granted to the state, should be held as a fund for the payment of interest, and to assist in the discharge of the principal. The committee believe that a loan is the only resource.

In the consideration of this portion of the subject committed to them, the committee have been brought to the conclusion, that loans may be obtained for the whole amount required to complete the canal, if the faith of the state be pledged for the payment of interest and redemption of the principal. In connection with this position, the committee will observe, that the terms upon which a loan can be negotiated, will depend upon the guaranty given for the redemption of the debt; upon the security afforded for the regular payment of interest; upon the length of the period for which the loan will be made, and upon the place and time of paying the interest. Hence it would be necessary, that by law, the General Assembly appropriate and pledge for the payment of the interest first, and then for the re-

demption of the principal, of all loans which may be negotiated by the state on account of the Wabash and Miami canal, the lands granted to this state by Congress by the act of March 2d, 1827, and the proceeds thereof, and also all the proceeds of tolls and water privileges upon the canal.

It is the opinion of the committee, that the length of time for which the loan should be negotiated, could not be well fixed at less than twenty years; the debt to be subject to redemption from that time in annual instalments at the pleasure of the state. And it seems, that the interest should be payable semi-annually at the place where the loan is negotiated. It is presumed, that the creation of a transferable scrip, will be most acceptable to such persons as may become interested in any loan.

The necessity of providing a fund for the payment of interest on any loan which might be authorized, has afforded matter of serious reflection to the committee. Several modes of making this provision have been suggested to the committee and have received the most attentive consideration.

The committee are satisfied that loans can be obtained upon the faith of the state. But the committee consider, that it would be exceedingly improvident and extremely hazardous, to engage in an undertaking, however interesting to our citizens or beneficial to the state, requiring an expenditure of a million or more, and a number of years for its completion, without the provision of the funds necessary to pay the interest of any debt which might be created. This provision may be made by taxation; by loans negotiated to procure money for the payment of interest; by a sale of lands annually for cash to an amount sufficient to pay the interest due; or by a sale of lands annually upon a credit of twenty years, and interest to be paid annually in advance, to such an amount as will give annually in

interest, computed at six per cent. a sum equal to the amount due by the state for interest.

The first—a resort to taxation—the committee are satisfied would not receive the approbation of a majority of the people of the state.

The second—to raise money by loan for the payment of interest—might answer for a short time, say two or three years, but even for so short a time, its policy might well be doubted. It is supposed that no prudent government would adopt this course for more than a very short period.

The prospect of a progressive accumulation of debt is rather appaling; and a profuse policy of that sort, would certainly tend to sink public credit, and thus impede its own object.

In the opinion of the committee, either the third or the fourth mode must be adopted.

For the present purpose, the quantity of the canal lands may be estimated at 400,000 acres, and valued at $1 25 per acre or $500,000.

If the statements already made, as to times and amounts, be assumed as correct, loans will be required, and interest must be provided for, as follows:

Loan 1st Sept. 1829,	$25,000	interest	to be	provided		$1,000
" 1st May, 1830,	100,000	"	"	"		7,500
" 1st May, 1831,	223,978	"	"	"		20,938
" 1st May, 1832,	139,256	"	"	"		29,294
" 1st May, 1833,	206,061	"	"	"		41,657
" 1st May, 1834,	111,578	"	"	"		48,352
" 1st May, 1835,	278,335	"	"	"		65,052

And consequently, if the interest upon the loans negotiated is to be provided for by a sale of land for cash, the land must be sold as follows:

				acres.				*acres.*
On 1st Sept. 1829 at	$1 25	per acre	800	If at	$2 00	per acre		500
" 1st May, 1830 "	"	"	6,000	"	"	"		3,750
" 1st May, 1831 "	"	"	16,750	"	"	"		10,469

On 1st May, 1832	"	"	"	23,433	"	"	"	14,647
" 1st May, 1833	"	"	"	33,365	"	"	"	20,829
" 1st May, 1834	"	"	"	38,681	"	"	"	24,176
" 1st May, 1835	"	"	"	52,000	"	"	"	32,526
" 1st May, 1836	"	"	"	52,000	"	"	"	32,526

Making at $1 25 per acre 223,000 acres, and at $2 00 per acre 140,000 acres to be sold, to pay all interest, which may be due on or before the first day of May, 1837. At which time or within 4 months after the whole canal will have been completed; and leaving at $1 25 per acre, 177,000 acres, and at $2 00 per acre 260,000 acres for future disposition, with the proceeds of tolls and water privileges to form a fund for the payment of interest and redemption of the debt. But the above calculation in fact, will not be true, as the whole amount of the loans are made to bear interest from the supposed date of negotiation, which for one half of each loan after the first loan of 200,000 dollars, will be too soon, by one year or more.

It is safe to assume, that if this mode be adopted, after the payment of all interest up to the 1st May 1837, the state will possess 225,000 acres of land.

The last mode proposed, is to sell the lands on a credit, reserving interest, payable in advance to meet the interest on loans. Valuing the lands at $1 25 per acre, this plan would meet the loans proposed for September 1829; 1st of May, 1830; 1st of May, 1831; 1st of May 1832; and a small part, say 12,000 dollars of the loan of 1833—leaving the balance of the loan of 1833, the loan of 1834, and the loan of 1835, amounting to 554,000 dollars to be provided for otherwise. Or valuing the land at two dollars per acre, this mode would leave 5,000 dollars of the loan of 1834, and the loan of 1835 to be provided for—equal to 600 dollars, for 1834, 65,600 for 1835 and 65,600 dollars for 1836.

By the one plan the title of the state to 175,000 acres of land worth at one dollar twenty five cents

per acre in round numbers 220,000 dollars will be extinguished—by the other an additional debt of more that $140,000 must be incurred. This would apparently leave a balance of eighty thousand dollars in favour of the last mode. But it must be recollected, that under the first plan, the lands which are sold, will not be sold until a later period in proportion to the amount to be disposed of, than under the last. And that consequently, the gradual rise of the price of the land, which must ensue, furnishes an argument in favour of the first, of considerable weight. That the value of the lands which will remain in the hands of the state, after the completion of the canal, will be gradually increased, is another argument against the last plan, and in favour of the first. And another is, that the collection of the interest from the purchasers; the repetition of sales of the same land when forfeited for non-payment of interest; the protection of the interests of the state, while the lands are in the hands of debtors; and the special legislation which will ensue; will cause considerable expense and trouble.

The committee have been induced by various considerations which have been suggested in the course of their investigations, to conclude, that the money necessary for the payment of interest, should be provided by the sale of lands to be made for cash, in such quantities and at such times as will meet the amount required.

The next subject for reflection, with the committee, was the source, whence money could be had for the payment of interest after the first day of May, 1837, and for the extinguishment of the canal debt. This must be obtained, in part from the proceeds of the land unsold at the completion of the canal.

The quantity of land then unsold, will average from 177,000 to 260,000 acres, and may be estimated at 225,000 acres, worth at $200 per acre, $450,-

000. This sum, if funded, will pay the interest on that amount of debt until the the time of redemption, and then extinguish that amount of the principal. This sum deducted from $1,081,970, (the supposed canal debt) leaves a balance to be provided for of $631,970 the interest on which will be $37,-918 per annum at six per cent. For the payment of this sum, the committee rely upon the tolls and proceeds of water privileges on the line of the canal west of Little river.

The proceeds of tolls upon the New York canal, and on the Ohio canals authorize the assertion, that the tolls of the Wabash and Miami canal, after the summer of 1837, will be more than sufficient to pay the interest and gradually redeem the debt. For the purpose of shewing the trade that will probably pass upon the canal when completed, the committee have prepared estimates of the trade which would pass upon the canal the present year, if now finished; and they have confined themselves to four articles—Onondaga and Syracuse salt, pork, whiskey, and dry goods; and have taken into consideration only a tract of country extending from the mouth of White river north, sav 120 miles, upon the Wabash.

In 1828, 10,000 barrels of pork were shiped from the Wabash country. This article will increase for the ensuing five years, at least twenty per cent. annually. From 1-4 to 1-2 of the last years shipment was made to eastern ports. The tolls of this article on the canal at the New York rates, 11-2 cents per ton per mile, would amount to $2,700 for the last year, and in 1835 might reasonably be computed at 6,500 dollars.

In 1828, 5000 barrels of salt were required for the consumption of the same tract of country, and the quantity will increase about 25 per cent. per annum, Making in 1835, 13,750 barrels. This year the tolls on this article, would have been 1,360 dollars, and in 1835 will be 3,750 dollars.

In 1828 it is computed, that 4,000 barrels of whiskey were shiped from the same tract of country, and that the quantity will increase at the rate of 20 per cent. until 1835: when the shipment will amount to nearly 10,000 barrels, and the tolls, to 2,700 dollars. From the best information the committee could procure, dry goods to the amount of 450 tons were imported into the same tract of country during the past year, and that the quantity will increase twenty per cent.; making in 1835 at least 1,080 tons—The tolls for 1828 would be $850: and for 1835 will be $2,000 —Making together, for this year, $5,000, in tolls; and for the year 1835, nearly 15,000 dollars—And the committee are satisfied, that these calculations are considerably below the truth.—These calculations are confined also to the country immediately upon the Wabash river, but it is certain that the country more remote, a large portion of the country within at least 75 miles of that river, will carry on its eastern and northern trade by the canal, and consequently, will greatly increase the business of the canal, and will almost, if not entirely double it in the above named articles alone. For the purpose of shewing that such will be the interest of the people, the committee have prepared the following calculations which will at the same time exhibit in strong colours the vast importance of this canal to this state.

For the supply of the same country above alluded to, 5000 barrels of salt, containing 5 1-2 bushels each, were required in 1828, and the cost of this quantity, at the average wholesale price for the last three years, 60 cents per bushel, is 16,500 dollars. This salt of a very superior quality, and can be delivered at the same places on the Wabash from New York, whenever the canal is completed, at 47 cents per bushel, which amounts to 12,925 dollars—making a saving of 3,575 dollars to the people for one year, and a better article procured.

In 1835 on the supposition that 13,750 barrels will be required, the saving to the state would be 9,800 dollars. Again, the 385 tons of dry goods now consumed in ten counties of Indiana, cost for transportation $3 75 per hundred, or $82 50 per ton, amounting to 31,762 dollars, but by the canal, the cost will only amount to $2 11 per hundred or 46 dollars 42 cents per ton, amounting in the whole to the sum of 17,871 dollars; and making a saving for 1828, of 13,891 dollars; and in 1835 the amount saved to the people, will be on dry goods alone, at least 30,000 dollars.

The committee feel authorized to assert, that the canal if formed, would have saved to the people of this state, in the article of salt, and in the cost of their dry goods for the past year, 20,000 dollars; and in 1835 in those two items only, will save to the people at least 50,000 dollars. Let this saving be added to the amount of tolls on the four articles enumerated above 15,000 dollars; and from the amount 65,000 dollars, deduct the amount of interest to be paid after 1837, 37,918 dollars; and the balance 27,082 will be the clear gain of the people of Indiana per annum by the tolls of four articles only, and the saving on two of them.

By the 4th section of an act of Congress of the 24th May 1828, to aid the state of Ohio in extending the Miami canal from Dayton to Lake Erie, the state of Indiana is authorized to convey to the state of Ohio, upon such terms as may be agreed upon by the states, all the interest of this state to any lands within the limits of Ohio, granted to this state by the act of the 2d of March 1827. To use the language of the Governor of the state of Ohio, addressed to the General Assembly of that state, "the subject is one of much importance, and it is expected the "parties concerned will be able so to adjust it as to secure to each "mutual and reciprocal advantages."

The time when the state of Ohio will proceed with the canal, should be ascertained; and measures must be adopted to define the rights of the citizens of the one state when passing upon the canal within the jurisdiction of the other.

The interest of each state must be provided for and secured. The committee are satisfied, that a just regard for the public interest, requires the appointment of a commissioner with authority to proceed immediately to the seat of government of Ohio, and there with such persons as may be authorized by the state of Ohio, to adjust the terms upon which the relinquishment of the right of this state, should be made to Ohio—to secure the rights of the citizens of each state upon principles of reciprocity—and to ascertain the time when the state of Ohio will commence, and the probable time of completion of the canal to the Maumee bay, subject however, to the ratification of the General Assembly of Indiana.

In the course of their investigation, the committee have been induced to conclude, that some alteration in the organization of the Board of Commissioners of the Wabash and Miami canal, is necessary.

A board of Commissioners in attendance upon the Engineer in surveying and locating canal routes, is deemed unnecessary and not advantageous. For this service, one of the commissioners should be selected and placed under an annual salary, as the "acting commissioner." His time will be entirely occupied with the duties of his office.

To the other commissioners, under the name of the "fund commissioners" would be confided the negotiation of loans, the superintendence and sale of the lands, and the superintendence of the financial concerns of the canal.

The three commissioners, when assembled together, should continue to compose the "board of

commissioners of the Wabash and Miami canal," and should have the general superintendence of the whole concern.

The committee are satisfied that an increase of the compensation of the commissioners is necessary; and respectfully submit the propriety of fixing the compensation of the acting commissioner at dollars each year, to commence from the day of next—and the compensation of the fund commissioners at dollars for each day on which they are actually engaged in the business of the canal.

It is of importance that the lands of the state should be selected as soon as practicable. The sale of the United States' land in the vicinity of the canal, is now restrained—to keep so large a tract of most valuable land out of market, will delay the progress of improvement, and greatly injure the state; and the improvement of these lands is necessary to furnish provisions and necessaries on moderate terms, for the persons engaged upon the canal. But these lands cannot be brought into market, until after the state lands are selected. Wherefore, that the United States' lands may be brought into market, and the state lands selected as soon as possible the committee recommend that the line run and marked by Col. Asa Moore of the U. S. civil engineers as the base of the canal, commencing on the line dividing Ohio and Indiana near the point of its intersection with the Miami river, thence along the south side of the Maumee river to Fort Wayne, thence crossing the St. Marys above that place, to the beginning of that part of the canal located by the canal commissioners, and with the same to the Wabash at the mouth of Little river, thence resuming Col. Moore's line along the north side of the Wabash to the mouth of Tippecanoe river, in section 17 of township 24, north of range 3 west, in

length nearly 130 miles, be assumed as the permanent line of the canal for all purposes connected with the selection of the lands granted to the state, and subject only to such variations as may be necessary in the actual location of the canal. The committee are satisfied, by information derived from the Board of Commissioners, that the actual location from the north of Little river west, cannot vary at the most one quarter of a mile, at any place, from Col. Moore's line—and such is the fact in relation to the line east from the commissioner's location.—If this measure is adopted, and it seems necessary under every view, the commissioners can adopt the proper course to procure an immediate selection of the state lands. In attending to this part of their duty, the commissioners will procure a just compensation, in land, for such parts of the land which would have fallen to the share of the state, but are located under treaty reservations. These reservations within the five miles on each side of the canal, are as follows;

309 1-4 sections located.

7 3-4 sections floating rights, which may be located on the canal, making together 317 sections.

The particulars will be found in the appendix No. 2.—The whole number of sections within the ten miles on the canal, assuming the length of the canal to be 128 miles, is 1280—one half of which is granted to the state; the other half, out of which the reservations must be taken, belongs to the United States.

It is presumed that such an arrangement can be made by the government of the United States and the canal commissioners, as will relieve the state from any loss in value, as well as in quantity, of any lands which may have been located under these reservations.

In the opinion of the committee, in addition to the

sale of lands in 1829, to raise the sum of $1000, a sufficiency of land should also then be sold, to raise the sum of $4,315 00, which with the sum of $7,685, part of the loan of $200,000 will make up the sum of $12,000 proposed to be kept in readiness at all times to meet any deficiency which might occur in the means provided for the payment of interest.

Upon the positions assumed by the committee in their calculations, and from the very nature of things, if loans are negotiated, large sums of money will be at the disposal of the state from time to time, in addition to the sum of $12,000 above mentioned. The safe and productive disposition of these sums of money until required for expenditure by the commissioners, merits serious consideration. The state of Ohio made an arrangement with a Bank in New-York to receive the instalments on the loans as paid in, and to hold them subject to the orders of the commissioners, allowing an interest of five per cent. per annum, on the deposites while undrawn; excepting the amount of 20.000 dollars, for which interest was not paid, as a compensation for the agency of the Bank, in receiving money, paying interest, issuing and registering certificates and transfers, keeping the books and accounts, and transacting all the business of the agency. The committee believe that such an arrangement, when necessary, can be made, in behalf of this state with some of the great banking institutions of New-York. The money in such sums as might from time to time be necessary, could be drawn from the bank upon the orders of the canal fund commissioners, in favor of the treasurer of state.

Two modes of selling the land which may be put into market, have received the attention of the committee. The one, that the fund commissioners expose the lands to sale to the highest bidder, at or over $1 25, for cash, in half quarter sections, that

the cash be paid to the treasurer of state, whose duty it shall be to attend the sale; and that upon the production of his receipt, a certificate of sale be given the purchaser by the commissioners, and that a patent be issued by the secretary of state. The other plan, is to appoint the register and receiver of the land office at Fort Wayne, agents for the state, to sell the lands in the mode that United States' lands are sold, to keep their books and render accounts, and in every respect to proceed as in the sale of the United States' lands, under the control and direction of the fund commissioners, in the place of the commissioner of the general land office—the patents to be issued by the governor and secretary of state. The register and receiver of the Fort Wayne district, in the proposition annexed hereto, and marked No. 3, offer to sell the lands for one per cent. on the amount of sale—books, &c. to be furnished by the state. The committee are inclined to prefer the last mode as that which will be the most economical, and convenient for the people.

[APPENDIX, NO. 1.]

Estimate of Expenses for 1829.

Pay of Principal Engineer, one year	$1500 00
" " Assistant do. do.	500 00
" " Six hands for axe-men, &c. six months, at $12 per month each	432 00
" " 2 vane men, 6 months at $15 per month each	180 00
" For subsistence of 10 men, 6 months at $2 50 each per week	650 00
Cash for one spirit level	200 00
" " contingencies	100 00
" " compensation for acting commissioner, one year	1000 00
" " compensation for canal fund com-	

missioners, say 90 days each, at $2 50 per day 450 00

Balance of appropriation of last year unexpended, $107 55

Estimates of Wabash Trade for 1828.

SALT.

5000 barrels, were required for the supply of ten counties in Indiana; Knox, Sullivan, Vigo, Parke, Vermillion, Fountain, Montgomery, Putnam, Tippecanoe and Warren.

This quantity is equal to 711 tons, and the tolls at the New-York rates on the canal, one and a half cents for 128 miles would be 1364 dollars. It is presumed that one third of this amount might be added for the supply of the Illinois counties.

WHISKEY.

The committee was not able to attain any certain information as to this article, for any other place than Terre-Haute. In 1828, 2800 barrels were shipped from Terre-Haute. In 1829, 3000 barrels will be shipped from that place, and 1000 barrels at least from other points. The tolls on this quantity, 571 tons, would be 1,096 dollars.

PORK.

It is known that 7000 barrels were packed last year at Terre-Haute, according to the estimates of intelligent merchants of that place. 8000 barrels for other points on the Wabash is an estimate under the truth greatly. Large quantities are shipped from Vincennes, but the amount cannot now be estimated. 10.000 barrels would make 1428 tons; the tolls on which would be 2,741 dollars.

DRY GOODS.

The ten counties before named are estimated, by merchants conversant with their trade, to receive annually of dry goods from the east 385 tons, and the

Illinois counties 65 tons, making 450 tons, the tolls on which are 864 dollars.

Estimates for the Trade in 1835.

SALT.

25 per cent. advance on 5000 barrels will make 13,750 barrels, or 1964 tons; the tolls on which will be $3751, for ten counties. This advance is predicated partly upon the increase of population, and partly upon the increase of the pork trade.

WHISKEY.

The increase of this article, at twenty per cent. will make 9600, say 10,000 barrels; the tolls, on which would be for 1428 tons, 2741 dollars.

PORK.

The increase at 20 per cent. would be 24,000 barrels, or 3427 tons, and would amount for tolls to 6578 dollars.

DRY GOODS.

The increase at 20 per cent. would amount to 1080 tons, and the tolls to 2073 dollars.

From these calculations, founded on a limited knowledge of the trade of a few counties, in four articles only, the present and future importance of the Wabash trade may be estimated.

PRICE OF SALT.

Cost in Syracuse per bushel	00 22 1-2
Freight to Buffalo	00 05
" " Perrysburgh	00 05
" " Tippecanoe on Wabash by canal 228 miles, at 2 1-2 cts. per mile per ton, or $5 70 cents per ton	00 14 1-2
Cost of one bushel	$00 47

The salt made by solar evaporation at Syracuse, is equal, for packing, to allum salt.

FREIGHT OF DRY GOODS.

From New-York or Philadelphia by the Ohio river is from $2 75 per hundred to $4 00.

By the canal the freight will be from New-York to Buffalo	$1 75
From Buffalo to Perrysburgh	00 10
" Perrysburgh to Wabash at $5 70 per ton, or 2 1-2 cents per mile	00 26
	$2 11
Difference per cwt.	$1 64

List of Reservations within the Canal Donation.

No.	Treaties	To whom made.	Quantity.
1	1826	James Knaggs	1-2 a section.
2	1826	Laventines daughter	1 section.
3	1826	Eliza C. Kercheval	1 section.
4	1826	John B. Boure	1 section.
5	1826	Maria Christiana De Rome's children	1 section.
6	1826	White Raccoon's party	10 sections.
7	1818	White Raccoon's party	10 miles square.
8	1818	Waw pee maung gwaw	1 section.
9	1826	Maw kaw ta maung gwaw	10 sections.
10	1826	Ann Turner	1-2 a section.
11	1818	Forks party of Miamie Indians	6 miles square.
12	1826	Le Gros—Head Chief	3 sections.
13	1826	Rebecca Hackley	1-2 a section.
14	1826	Charley's wife	1 section.
15	1826	Hyacinthe Lassell	1 section.
16	1826	Joseph Richardville	1 section.
17	1826	Miamie Nation	5 miles.
18	1826	John Bte. Richardville, Jr.	1 section.
19	1818	Great Miamie Reservation	34 miles square.
20	1826	F. & L. Godfroy and Lafontaine	4 sections.
21	1826	J. B. Joutreace and Mary St. Comb	3-4 of a section.
22	1826	Jean Bte. Richardville, Senr.	1 section.
23	1826	George Cicott	1 section.
24	1826	Children of Joseph Barron	3 sections.
25	1826	Hyacinthe Lasselle	1 section.

26	1826	George Cicott	2 1-2 sections.
27	1826	Abraham Burnett and Zachariah Cicott	3 1-2 sections.
28	1826	James, Henry and Wm. Conner	3 sections.
29	1818	Bondie's heirs	2 sections.
30	1826	Abraham Burnett	2 sections.
31	1826	Le Gros—Head Chief	1 section.
32	1826	Louison	2 sections.
33	1826	James Burnett	1 section.

RECAPITULATION.

Reservations numbered 7, 8, 11, 19, and 29, were made by the treaty of St. Mary's of 1828 with the Miami tribe of Indians. Those numbered 2, 5, 6, 9, 10, 12, 13, 14, 16, 17, 18, 20, 22, and 31, were made by the treaty of 23d October 1826, with the Miami tribe of Indians. And those numbered 1, 3, 4, 15, 21, 23, 24, 25, 26, 27, 28, 30, 32, and 33 were made by the treaty of 16th October, 1826, with the Potawatamie tribe of Indians.

Of the above reservations, fourteen and a half sections were to be located under the direction of the President of the United States; six sections and 3-4 of which have been so located, and there remains seven and three fourths, which can be located on any land purchased by the treaty of the Wabash. The reservations for Joseph Bertrand and family, and for the students of the Rev. Mr. M'Coy, are to be located within the 10 mile purchase on Lake Michigan, and cannot interfere with the canal donation.

To the Senate and House of Representatives of the State of Indiana:

The undersigned would respectfully represent, that they will attend to selling the land donated to aid the state in the construction of the canal, and will pay the monies so received to any authorized agent of the state, for the sum of one per cent. each,

on the amount actually received and paid over, and no other fee or reward will be required, except the necessary books and stationary—clerks hire during public sale, is expected to be furnished by the state.

For SAMUEL C. VANCE,
JAMES DILL,
JOSEPH HOLMAN.

November 25, 1828.

Mr. Judah from the same committee, reported a bill concerning the Wabash and Miami canal.

Which was read the first time and passed to a second reading to-morrow.

Mr. Judah from the same committee, reported a joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d March, 1827, shall be conveyed to the state of Ohio.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sweetser moved that two thousand copies of the report of the committee of canals and internal improvements, and the bill and joint resolution accompanying the same, be printed for the use of the members of both houses of the general assembly.

Which motion was carried in the affirmative.

On motion of Mr. Judah,

Resolved, That so much of the report of the commissioners of the Wabash and Miami canal, and documents therewith reported, as relates to their expenditures, be referred to the committee on claims.

Mr. St. Clair, from the joint committee for enrolled bills, submitted the following report, viz:

Mr. Speaker,

The joint committee for enrolled bills report, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to authorize the surveying and marking the boundary line between the counties of Washington and Clark;

An act to repeal part of an act entitled an act regulating the inspection of tobacco, approved December 27th, 1816;

An act for the formation of the county of Cass;

An act to authorize William Richards, administrator of the estate of Gabriel Richards, deceased, to act as guardian of the minor heirs of said Gabriel Richards, deceased.

On motion of Mr. Deming,

Resolved, That the clerk of this house carry to the senate, all the documents which accompanied the report made by the canal commissioners to this house, on Saturday last, except those relating to the expenditures; and that the chairman of the committee on canals and internal improvements furnish the clerk with the same.

On motion of Mr. Hillis,

Mr. Sample was added to the committee of ways and means, in the place of Mr. Robb, who has obtained leave of absence for the balance of the session.

Mr. Long, from the select committee to whom was referred a resolution of this house requesting them to enquire into the expediency of giving additional representation to the districts represented by Messrs. Taylor, Matlock, Worth and Long, reported a bill to amend the act for the apportionment of senators and representatives to the general assembly, approved January 19th, 1826.

Which was read the first time and passed to a second reading to-morrow.

Mr. Moyer, from the select committee to whom was referred the petition of John Hollowell, praying the passage of act authorizing him to sell certain

real estate, reported a bill in pursuance of the prayer of the petitioner.

Which was read the first time and passed to a second reading to-morrow.

Mr. Worth, from the select committee to whom was referred the petition of sundry citizens of Fort Wayne, reported a bill concerning said town.

Which was read the first time and passed to a second reading to-morrow.

Mr. Dumont moved to take up the report of the judiciary committee, on that part of his excellency the governor's message, which relates to agricultural societies.

Which motion was carried in the affirmative.

When Mr. Dumont moved that the same be referred to a select committee, with leave to report thereon by bill or otherwise.

Which motion was carried in the affirmative.

Messrs. Dumont, Worth, Lemon and Dufour were appointed that committee.

Mr. Deming presented the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to report a bill forming two additional judicial circuits.

Mr. Craig moved to amend said resolution so as to direct said committee to enquire into the expediency of reporting a bill on that subject.

Which motion was carried in the affirmative.

The said resolution as amended was then adopted by the house.

Mr. Sweetser presented the following resolution, viz:

Resolved, That the judiciary committee be, and they are hereby instructed to report a bill organizing a probate court in each county in this state, to consist of one judge.

Mr. Steele moved to lay said resolution on the table.

Which motion was carried in the affirmative.

The following message was received from the senate by Mr. Test, their assistant secretary, to wit:

Mr. Speaker,

I am directed to inform the house of representatives, that the senate have on this day, passed an engrossed bill to amend an act entitled an act for the formation of congressional districts, and for the election of senators and representatives to congress, approved January 30th, 1824; in which the concurrence of the house is requested.

The said bill from the senate was read the first time and passed to a second reading to-morrow.

Mr. Steele moved to take up the resolution offered by him on yesterday, which reads in these words, viz:

"*Resolved*, That the committee on roads be, and they are hereby instructed to introduce into the road law of this year, the 11th section of the road law of 1824, as the most equitable law on the subject of working on public roads and highways."

Which motion was carried in the affirmative.

When Mr. Steele moved to amend said resolution so as to give the committee leave to amend the said 11th section as they may think best adapted for public convenience in working on roads and highways.

Which motion was carried in the affirmative.

And on the question to adopt said resolution as amended, the same was decided in the negative.

Mr. Sample moved to take up the engrossed joint resolution concerning the road from Louisville, by the way of Vincennes, to St. Louis, and the amendments proposed thereto by the senate.

Which motion was carried in the affirmative.

The said amendments were then read at the clerk's table, and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Finley, after having obtained leave, presented a bill to change the mode of doing county business in the county of Wayne.

Which was read the first time and passed to a second reading to-morrow.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am requested by his excellency, the governor, to inform the house of representatives that he did on this day approve and sign—

An act to amend the act entitled an act respecting a county seminary, and the seminary funds of Switzerland county;

An act to authorize Samuel Conner to build a ware house on part of Water street, in the town of Rome;

An act for the relief of the infant heirs of Westley Harrison, deceased;

An act to revive an act entitled an act to amend the act entitled an act for the benefit of those persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the sixth of March, 1826, approved January 11th, 1827;

An act for the relief of George Henry, James Borland and Ellis Stone; and,

A memorial of the general assembly of the state of Indiana, on the subject of the continuation of the Cumberland road, and the removal of the timber out of the same. All of which originated in this house.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The bill to authorize William Youse to build a toll bridge across the east fork of Whitewater river, was read the second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The engrossed bill from the senate, making provision for compensation to the recorders of Gibson and Monroe counties, was read a third time; when

On motion of Mr. Bassett,

Said bill was committed to a committee of the whole house and made the order of the day for to-morrow.

The house took up and proceeded to consider the bill to locate and open a road from Indianapolis, to Lafayette, in the county of Tippecanoe, and the amendments made thereto in committee of the whole on yesterday.

The 1st, 2d, 3d, 4th, 5th and 6th amendments thereto were agreed to by the house; but the 7th, 8th, 9th, 10th, 11th, 12th and 13th amendments were disagreed to.

Mr. Lemon moved further to amend said bill by filling the blank in the 7th section with $300 to open the road from Danville, by the way of Rockville, to Montezuma, in Parke county.

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read the third time to-morrow.

The house resolved itself into a committee of the whole on the bill concerning the election of representatives to congress; and after some time spent therein, the speaker resumed the chair, and Mr. Bell reported the same without amendment.

On motion of Mr. Read,

The said bill was ordered to lie on the table.

The house resolved itself into a committee of the whole on the bill allowing additional compensation to Austin Bishop and Robert Culbertson, for extra work done on the governor's house in Indianapolis; and after some time spent therein, the speaker resumed the chair, and Mr. Blair reported the same without amendment.

The said bill was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Long,

The committee of the whole house, to which was committed the bill to change the mode of doing county business in certain counties therein named, and the engrossed bill from the senate entitled an act to change the mode of doing county business in the counties of Allen, Madison and Hendricks, were discharged from the further consideration thereof.

The said bills were then ordered to lie on the table.

Mr. Sample moved that the committee of the whole house, to which was committed the bill to continue and locate the road from Lake Michigan by Indianapolis, to some point on the Ohio river, be discharged from the further consideration thereof.

Which motion was carried in the affirmative.

And, on motion of Mr. Lemon,

Said bill was ordered to lie on the table.

On motion of Mr. Pennington,

The committee of the whole house, to which was committed the bill to amend the act establishing a county treasurer, approved January 31st, 1824, was discharged from the further consideration thereof.

The said bill was then recommitted to a select committee of Messrs. Pennington, Craig, Goodhue and Dufour.

The house resolved itself into a committee of the whole on the bill to authorize county surveyors to obtain copies of the field notes of the original cor-

ners of land in their respective counties; and after some time spent therein, the speaker resumed the chair, and Mr. Boon reported the same with several amendments which were concurred in by the house generally.

The said bill was then ordered to be engrossed and read the third time to-morrow.

The house resolved itself into a committee of the whole on the engrossed bill from the senate, entitled an act to prevent the sale of spiritous liquors to the Indians; and after some time spent therein, the speaker resumed the chair, and Mr. Brown reported the same with several amendments; which were concurred in by the house generally.

Mr. Sweetser then moved to postpone the further consideration of said bill indefinitely.

Which motion was carried in the affirmative.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that they have on this day passed bills of the following titles, which originated in the house of representatives, without amendment:

An act to amend the act subjecting real and personal estate to execution, approved Jan. 30, 1824;

An act legalizing the proceedings of the board of commissioners for the county of Vigo;

A joint resolution relative to the laws of congress remaining in the office of the secretary of state;

An act to amend an act attaching certain territory to the counties therein named, approved January 16, 1828;

They have also passed an engrossed bill supplementary to an act entitled an act to establish a levee to preserve the road leading from Vincennes through the lower Prairie, near to the Wabash river, approved January 5th, 1828; and

An act for the relief of the securities of Samuel Stanley, dec'd, late sheriff of Jackson county; in which the concurrence of the house of representatives is requested.

The two last mentioned bills from the senate were read the first time, and passed to a second reading to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, December 19, 1828.

The house met pursuant to adjournment.

The speaker laid before the house the following communication from William W. Wick, secretary of state, viz:

Office of the Secretary of State,
18th *December*, 1828.

The secretary of state, in compliance with a resolution of the house of representatives, adopted on the 17th inst. submits the following statement:

Between the 14th of February, and 29th of April last, commissions were issued to three associate judges of the circuit court, one clerk of the circuit court, two recorders, fifty-two justices of the peace, one brigadier-general, one colonel, four lieutenant colonels, four majors, forty-two captains, forty-four lieutenants, forty-four ensigns, and two cornets.

The returns upon which the civil commissions above enumerated were issued, were not, it is believed, submitted to the inspection of the governor, before the issuing of the commissions. This belief is founded upon two facts. First: It has not been the usage, at any time since the undersigned has discharged the duties of this office, for the governor to

require returns of elections to be submitted to his inspection, except when the sufficiency, or legality of such returns has been deemed doubtful by the undersigned. Second: It is believed that during the whole, or a large proportion of the period transpiring between the dates above named, the governor was absent from the seat of government.

The orders of the adjutant-general, upon which the military commissions above enumerated, were issued, were not submitted to the inspection of the governor, before the issuing of the said commissions.

Whether the returns of the elections upon which the adjutant-general predicated those orders were submitted to the inspection of the governor, the undersigned cannot state, it not coming within the range of his official duty to know any thing of the matter.

Respectfully submitted,
W. W. WICK.

Which was read and ordered to lie on the table.

Mr. Levenworth presented a petition of John Smith, of Crawford county, praying the passage of a special act to change his name to John Lucius Smith; which was read and referred to a select committee of Messrs. Levenworth, Bell and Ritchey.

Mr. Young presented a petition of Joseph Landrum and others, of Owen county, praying the re-location of part of a certain state road therein named, which was read and referred to the committee on roads.

Mr. Dunn presented a petition of N. & G. Guilford, of Cincinnati, Ohio, praying remuneration for monies expended in assisting to bring to justice William H. Rothwell, the murderer of William Pitman, which was read and referred to the committee on claims.

Mr. Hendricks presented a petition of Micajah Rutherford and others, of Shelby county, praying

that part of said county may be attached to the county of Decatur.

Mr. Morris moved to lay said petition on the table.

Which was decided in the negative.

Said petition was then referred to a select committee of Messrs. Hendricks, Morris and Craig.

Mr. Kinnard moved to take up the communication of Richardson Terrill, made on the 15th inst.

Which was carried in the affirmative.

The same was then referred to the committee on education.

Mr. Hillis from the committee of ways and means to whom was referred a resolution of this house, instructing said committee to make provision, by law, to exonorate such persons from the payment of taxes on personal property as may have lost the same previous to the time such taxes may have become due, reported a bill to exempt persons from the payment of taxes upon such personal property as may have been lost.

Which was read the first time; when

Mr. Pennington moved to reject the same.

Which motion was carried in the affirmative.

Mr. Bassett from the committee on education to whom was referred so much of the message of his excellency the governor, as relates to the sale of the school lands, and the petitions of sundry citizens upon the same subject, reported a bill to authorize the sale of the school lands, and for other purposes.

Which was read the first time and passed to a second reading to-morrow.

Mr. Sample moved that two hundred copies of said bill be printed for the use of the members of this house.

Which motion was carried in the affirmative.

Mr. Boon moved that the committee of claims, to whom was referred the communications from the

recorders of Gibson and Monroe counties, be discharged from the further consideration thereof, and that said communications be referred to the same committee of the whole house to which is referred the engrossed bill from the senate, making provision for compensation to the recorders of Gibson and Monroe counties.

Which motion was carried in the affirmative.

Mr. Elliott moved to reconsider the vote of yesterday, ordering to be printed two thousand copies of the report of the committee on canals and internal improvements, and the bill and joint resolutions accompanying the same.

Which motion was decided in the negative.

On motion of Mr. Pollock,

Resolved, That the committee on the judiciary be requested to enquire into the expediency of so amending an act to provide for a more certain return of the votes of governor and lieutenant governor, approved December 31st, 1828, as to compel clerks of circuit courts to certify by mail in a reasonable time, to the public printer, the number of votes taken for governor and lieutenant governor in their respective counties, and that the public printer print the same when received; and also, to make a similar provision as to the election of members of congress, with leave to report by bill or otherwise.

Mr. Worth presented the following resolution, viz:

Resolved, That the committee on roads be directed to report a bill to this house providing for working public roads and highways, by compelling all persons over 21, and under 50 years of age, to work equally, at the call of the proper supervisor.

Mr. Matlock moved to lay said resolution on the table.

Which motion was decided in the negative.

Mr. Trafton moved to strike out "twenty-one," and insert "eighteen," in lieu thereof.

Which motion was also decided in the negative.

Mr. Palmer moved to amend said resolution, by adding at the end thereof, the following, viz: "if in the opinion of the supervisor, the roads in his district may require more labor, after the expenditure of the work now required by law." When,

Mr. Lemon moved to postpone said resolution and proposed amendment indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Boon, Brown, Child, Crume, Deming, Dufour, Dumont, Dunn, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Leviston, Long, Matlock, M'Intire, Morris, M'Pheeters, Orr, Pabody, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Sample, Slaughter, St. Clair, St. John, Steele, Stewart, Taylor, Trafton, Wallace, Welburn, Work, Young and Howk, speaker—45.

And those who voted in the negative are,

Messrs. Blair, Craig, Elliott, Frisbie, Levenworth, Lomax, Lynd, Moyer, Sweetser, Williams and Worth—11.

So said motion was carried in the affirmative.

Mr. Sweetser moved to take up the resolution presented by him on yesterday, which reads in these words, viz:

"*Resolved*, That the judiciary committee be, and they are hereby instructed to report a bill organizing a probate court in each county in this state, to consist of one judge.

Which motion was carried in the affirmative.

Mr. Steele moved to lay said resolution on the table.

Which motion was decided in the negative.

Said resolution was adopted by the house.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate have passed a bill from the house of representatives, entitled—

An act supplemental to an act entitled an act to amend the act to regulate the judicial circuits, and fixing the times of holding courts, approved Feb. 12, 1825.

They have also passed engrossed bills from the senate, to wit:

An act amending the several acts to incorporate the town of Madison; and,

An act to amend an act entitled an act relative to crimes and punishments.

In which two last mentioned bills the concurrence of the house of representatives is requested.

The said engrossed bills from the senate entitled acts, were read the first time and passed to a second reading to-morrow.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am requested by his excellency, the governor, to inform the house of representatives that he did on this day approve and sign—

An act to authorize William Richards, administrator of the estate of Gabriel Richards, deceased, to act as guardian of the minor heirs of said Gabriel Richards, deceased.

An act to authorize the surveying and marking the boundary line between the counties of Washington and Clark;

An act to repeal part of an act entitled an act

regulating the inspection of tobacco, approved December 27th, 1816;

All of which originated in this house.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that they have passed—

An engrossed memorial of the general assembly of the state of Indiana, on the subject of a cession of the unsold land within her boundaries.

In which the concurrence of the house of representatives is requested.

The said engrossed memorial from the senate was read the first time, and passed to a second reading to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

Mr. St. Clair, from the joint committee for enrolled bills, made the following report, viz:

Mr. Speaker—The joint committee on enrolled bills now report that they did, on this day, compare the enrolled with the engrossed bills entitled acts, to wit:

An act to legalize the proceedings of the board of commissioners of Vigo county:

An act to amend an act attaching certain territory to the counties therein named, approved January 16th, 1828:

An act to amend the act subjecting real and personal estate to execution, approved January 30th, 1824; and,

A joint resolution concerning the mail route thro' the seats of government of Indiana, Illinois and Missouri; and,

A joint resolution relative to the laws of congress remaining in the office of the secretary of state.

And find the same truly enrolled; when,

The speaker signed the said acts and joint resolutions.

Ordered, That the Clerk carry the same to the Senate for the signature of their president.

Mr. Taylor, after having obtained leave, presented a bill supplementary to an act entitled an act to authorize the judges of the Montgomery circuit court to hold a special session.

Which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

Mr. Matlock moved to take up the engrossed bill from the senate changing the mode of doing county business in the counties of Allen, Hendricks, and Hamilton.

Which motion was carried in the affirmative.

Said bill was then read the third time and passed.

Ordered, That the clerk inform the senate thereof.

Mr. Boon moved to take up the engrossed bill supplemental to an act declaring Busseron creek a public highway.

Which motion was carried in the affirmative.

Said bill was then read the third time and passed.

Ordered, That the same be entitled An act, and that the clerk carry the same to the senate, and ask their concurrence therein.

Mr. Pennington moved to take up the bill supplemental to an act entitled an act declaring certain streams therein named public highways, approved January 20, 1824.

Which motion was carried in the affirmative.

Said bill was then committed to a committee of

the whole house and made the order of the day for to-morrow.

Mr. Child, after having obtained leave, presented a bill to amend the act entitled an act regulating the fees of the several officers and persons therein named, approved January 30, 1824.

Which was read the first time and passed to a second reading to-morrow.

The engrossed joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d March, 1827, shall be conveyed to the state of Ohio, was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill concerning the Wabash and Miami canal, and,

The engrossed bill from the senate entitled an act for the formation of congressional districts and for the election of senators and representatives to congress, approved January 30, 1824, were severally read the second time, and committed to a committee of the whole house and made the order of the day for Monday next.

The bill to change the mode of doing county business in the county of Wayne:

The bill to amend an act entitled an act for the apportionment of senators and representatives of the general assembly, approved January 19th, 1826, were severally read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill concerning the town of Fort Wayne:

The bill to authorize John Hollowell to sell and convey certain real estate:

The bill to establish a state road from Brownsville via Waterloo and Milton to intersect the state road leading from Centreville to Indianapolis:

The engrossed bill from the senate supplementary to an act entitled an act to establish a levee to preserve the road leading from Vincennes through the lower prairie near to the Wabash river, approved January 30, 1824: And

The engrossed bill from the senate for the relief of the secerities of Samuel Stanley, deceased, late collector of the county of Jackson;

Were severally read the second time, and the bills of this house ordered to be engrossed and read a third time to-morrow.

And the said bills from the senate were ordered to a third reading to-morrow.

The engrosed bill to locate and open a state road from Indianapolis to Lafayette, in the county of Tippecanoe, and for other purposes; And

The engrossed bill to authorize county surveyors to obtain copies of the field notes of the original corners of land in their respective counties;

Were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill allowing additional compensation to Austin Bishop and Robert Culbertson for extra work done upon the Governor's House, was read the third time.

When Mr. Pennington moved that said bill be recommitted to a committee of the whole house and made the order of the day for to-morrow.

Which motion was decided in the negative.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Craig, Crume, Deming, Dunn, Elliott, Findley, Frisbie, Hendricks, Hil-

lis, Judah, Levenworth, Morris, Orr, Pabody, Palmer, Pollock, Riley, Ritchey, Sample, Slaughter, St. Clair, St. John, Steele, Sweetser, Taylor, Trafton, Wallace, Welburn, Williams, Worth, Young and Howk, speaker—35.

And those who voted in the negative are,

Messrs. Bell, Blair, Child, Dufour, Goodhue, Kinnard, Lemon, Leviston, Long, Matlock, M'Intire, M'Pheeters, Moyer, Pennington, Read, and Stewart—16.

And so said bill passed.

Ordered. That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The house resolved itself into a committee of the whole on the bill for the more speedy collection of forfeitures on the bonds of officers, in certain cases, and after some time spent therein, the speaker resumed the chair, and Mr. Child reported the same with one amendment.

Which was concurred in by the house.

Mr. Dunn moved to recommit said bill to a select committee, which motion was carried in the affirmative, and Messrs, Dunn, Goodhue and Palmer, were appointed that committee.

On motion of Mr. Riley,

The committee of the whole house, to which was committed the engrossed memorial, from the senate, to the congress of the United States on the subject of improving the mail road from Louisville, via Vincennes, to St. Louis, were discharged from the further consideration thereof.

The said memorial was then read the third time and passed.

Ordered. That the clerk inform the senate thereof.

On motion of Mr. Williams,

The committee of the whole house, to which was

committed the bill to amend the act entitled an act declaring Salt creek a public highway, approved January 14th, 1825, was discharged from the further consideration thereof.

The said bill was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Craig,

The committee of the whole house, to which was committed the bill to establish a state road from Gallatin, via Greencastle, Mooresville, to Franklin, was discharged from the further consideration thereof.

Mr. Orr moved to amend said bill, so as to make Port-Royal, in Morgan county, a point in said road.

Which motion was carried in the affirmative.

The said bill was then ordered to be engrossed and read the third time to-morrow.

The house resolved itself into a committee of the whole on the bill to relocate part of the state road leading from the Ohio line, by Winchester to Indianapolis, which lies between the 30th and 35th mile post; and after some time spent therein, the speaker resumed the chair, and Mr. Crume reported the same with one amendment.

Which was concurred in by the house.

The said bill was then ordered to be engrossed and read the third time to-morrow.

The house resolved itself into a committee of the whole, on the joint resolution authorizing the auditor of state to audit, and the treasurer to pay the claims of the several officers employed in the election of electors of president and vice-president of the United States; and after some time spent therein, the speaker resumed the chair, and Mr. Deming reported the same with one amendment.

Which was concurred in by the house.

The said joint resolution was then ordered to be engrossed and read the third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 20, 1828.

The house met pursuant to adjournment.

The speaker laid before the house the following communications, viz:

INDIANAPOLIS, Dec. 20, 1828.

Isaac Howk, Speaker of
the House of Representatives:

SIR—Through you, I lay before the house over which you preside, a copy of the land laws of the United States, directed to the clerk of the house of representatives of the Indiana legislature. Also a communication from Matthew St. Clair Clarke, clerk of the house of Representatives of the United States.

Very Respectfully,
Your obed't serv't,
J. F. D. LANIER,
Clerk of H. of R.

WASHINGTON, 1st Oct. 1828.

SIR—In compliance with a resolution of the house of representatives of the United States, I send you a copy of the land laws, unbound, not being able to send a bound copy by mail.

Your obedient servant,
M. S. CLARKE,
Clerk of the H. of R. U. S.

To the Clerk of the House of
Representatives Indiana Legislature,
Indianapolis, Indiana.

Mr. Read presented a petition of James Edwards and others, citizens of Daviess county, praying for the location of a state road commencing at Grandison Thomas's, to pass through Washington street, via the public square, in the town of Washington, to intersect the state road again between Washington and Richard Weaver's; and also, a remonstrance of John Murphy and others, against the same.

Which were read and referred to a select committee of Messrs. Moyer, Riley and Ritchey.

Mr. Read moved to take up the petition of John Arthur and others, on the same subject.

Which motion was carried in the affirmative.

The said petition was then referred to the same select committee to whom was referred the above petition and remonstrance.

Mr. Morris presented a petition of Erasmus Powell and others, citizens of Shelby county, praying that measures may be taken to bring into market part of the lands granted by congress, to aid this state in constructing the Wabash and Miami canal.

Which was read and referred to the same committee of the whole house to which is committed the bill on that subject.

Mr. Kinnard, from the committee on the affairs of the town of Indianapolis, to whom was referred the petition of John Givan and others, reported a bill to extend the benefits and provisions of an act entitled "an act for the relief of purchasers of lots in the town of Indianapolis, approved Jan. 30, 1826, to the purchasers of out lots, under the acts approved January 31, 1824, and February 12, 1825."

Which was read the first time and passed to a second reading on Monday next.

Mr. Lomax, from the committee on roads, to whom was referred the petition of Adam Conde and others, reported a bill to establish a state road from

Franklin, in Johnson county, via Shelbyville, to Andersonville, in Franklin county.

Which was read the first time and passed to a second reading on Monday next.

Mr. Lomax, from the same committee to whom was referred the petition of James Edwards and others, of Daviess county, reported a bill to change part of the state road from Rockport to Bloomington.

Which was read the first time and passed to a second reading on Monday next.

Mr. Pennington, from the committee of propositions and grievances, to whom was referred the petition of Washington Jackson, reported a bill for the relief of the said Washington Jackson.

Which was read the first time and passed to a second reading on Monday next.

Mr. Pennington, from the select committee to whom was recommitted the bill to amend an act entitled an act establishing a county treasurer, approved January 31, 1824, reported the same without amendment. And,

On motion of Mr. Sweetser,

Said bill was recommitted to a committee of the whole house, and made the order of the day for Monday next.

Mr. Levenworth, from the select committee to whom was referred the petition of John Smith, of Crawford county, reported a bill to change the name of the said John Smith, to John Lucius Smith.

Which was read the first time and passed to a second reading on Monday next.

The following message was received from the senate by Mr. Dill, their secretary, to wit:

Mr. Speaker,

I am instructed to inform the house of representatives, that the senate have passed without amendment, an engrossed bill supplementary to an act enti-

tled an act to authorize the judges of the Montgomery circuit court to hold a special session, approved December 17th, 1828; which bill originated in this house.

Mr. Dunn presented the following resolution, viz:

Resolved, That the committee on the judiciary be directed to prepare and report a bill prohibiting the sale or gift of any spiritous liquors at the places of holding elections in this state, on the days of holding the same.

Mr. Brown moved to amend said resolution, by striking out the words of "elections," and inserting in lieu thereof, "places of public worship."

Which was decided in the negative.

Mr. Read moved to lay said resolution on the table.

Which was decided in the negative.

Mr. Boon moved to postpone the further consideration of said resolution indefinitely.

Which motion was also decided in the negative.

Mr. Judah moved to amend said resolution by inserting after the word "at," these words: "or within one mile."

Which was carried in the affirmative.

Mr. St. John moved further to amend said resolution, by adding at the end of said resolution, "after the hours of ten, and before the hours of six."

Which motion was decided in the negative.

Mr. Bassett moved further to amend said resolution so as to direct said committee to enquire into the expediency of reporting a bill, &c. When,

Mr. Lemon moved to postpone the further consideration of said resolution and proposed amendment until the first Monday in August next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Brown, Child, Craig, Crume, Deming, Dufour, Elliott, Finley, Frisbie, Hendricks, Hillis, Kinnard, Lemon, Long, Lynd, Matlock, M'Intire, Morris, M'Pheeters, Moyer, Orr, Palmer, Pennington, Pollock, Read, Riley, Sample, Slaughter, St. Clair, Steele, Stewart, Sweetser, Taylor, Wallace, Welburn, Worth, Williams, Work and Howk, speaker—44.

And those who voted in the negative are,

Messrs. Dumont, Dunn, Goodhue, Judah, Levenworth, Leviston, Lomax, Pabody, Ritchey, St. John, Trafton and Young—12.

So said motion was carried in the affirmative.

Mr. Long moved to reconsider the vote taken on postponing indefinitely, the further consideration of the bill to amend the act relative to the duties of the secretary of state.

Which motion was carried in the affirmative.

The said bill was then recommitted to a committee of the whole house and made the order of the day for Monday next.

On motion of Mr. Craig,

The communication from W. W. Wick, secretary of state, made on yesterday, was taken up and referred to the same committee of the whole house to which was committed the bill relative to the secretary of state.

On motion of Mr. Crume,

Mr. Sample was added to the committee on the affairs of the town of Indianapolis.

On motion of Mr. Goodhue,

Mr. Bassett was also added to the committee on the affairs of the town of Indianapolis.

On motion of Mr. Stewart,

Mr. Moyer was also added to the committee on the affairs of the town of Indianapolis.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate have passed engrossed bills of the following titles, to wit:

An act to provide for printing and distributing the laws and journals of the present session;

An act providing for the more certain preservation of the evidence of the title to real estate;

An act to locate a state road from the Ohio line, by Abington, Waterloo, to Connersville.

The senate have also passed a memorial of the general assembly on the subject of the extinguishment of the Indian title to lands within the state of Indiana.

To which bills and memorial aforesaid, the concurrence of the house of representatives is requested.

The said engrossed bills from the senate, and memorial were read the first time, and passed to a second reading on Monday next.

And then then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, December 22, 1828.

The house met pursuant to adjournment.

Mr. St. Clair from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled "acts," to wit:

An act regulating the mode of doing county business in the counties of Allen, Hendricks and Madison:

An act supplemental to an act entitled an act to amend the act to regulate the judicial circuits and fixing the times of holding courts, approved February 12, 1825:

An act supplemental to an act entitled an act to authorise the judges of the Montgomery circuit court to hold a special session, approved Dec. 17, 1828:

And find the same truly enrolled:

Whereupon,

The speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their president.

Mr. Stewart presented a petition of John Scott and others, of Floyd county, praying a law to authorise owners of steam mills to receive one sixth as toll for grinding:

Which was read and referred to a select committee of Messrs. Stewart, Pennington and Work.

Mr. Sweetser, from the committee on the judiciary, submitted the following report, viz.

Mr. Speaker,

The committee on the judiciary, to whom was referred the resolution of this house, relative the punishment of persons suffering criminals in their custody to escape, have had the same under their consideration, and directed me to report, that it is inexpedient for them to legislate on that subject, the laws now in force, being in their opinion sufficient.

2. The committee on the judiciary to whom was referred the resolution of this house relative to the fees of justices of the peace and constables, and the report of said committee thereon, with instructions to report their opinion, have had the same under their consideration, and have directed me to report, that in their opinion justices of the peace and constables, under the existing laws, cannot recover fees in cases between the state and individuals prosecuted, when such individuals are acquitted or dis-

charged from such prosecution without conviction; which report was concurred in by the house.

Mr. Orr, from the committee on military affairs, to whom was referred the petitions of Joel Combs and others, David Osborn and others, and John Kinney and others, and a resolution of this house directing them to enquire into the expediency of authorising courts of assessment to report a bill to amend the several acts now in force regulating the militia of the state of Indiana.

Which was read the first time: When

Mr. Steele moved to reject said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Child, Craig, Dufour, Dunn, Elliott, Finley, Goodhue, Hendricks, Levenworth, Leviston, Lomax, M'Intire, M'Pheeters, Palmer, Pennington, Pollock, Riley, Slaughter, St. Clair, Steele, Sweetser, Welburn and Worth—24.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Boon, Brown, Crume, Deming, Dumont, Frisbie, Hillis, Judah, Kinnard, Lemon, Long, Lynd, Matlock, Morris, Moyer, Orr, Pabody, Reed, Ritchey, Sample, St. John, Stewart, Taylor, Trafton, Wallace, Williams, Work, Young and Howk, Speaker—32.

And so said motion was decided in the negative.

Said bill then passed to a second reading to-morrow.

Mr. Orr, from the same committee to whom was referred a resolution of this house directing them to enquire into the expedieney of giving fines collected of delinquents at company musters, to the com-

mandants of the respective companies, for the purpose of paying music, purchasing colours, &c. reported, that they have had the same under consideration, and directed me to report, that it is inexpedient to legislate thereon.

Mr. Levenworth moved to lay said report on the table.

Which motion was carried in the affirmative.

Mr. Boon, from the committee on claims, to whom was referred the account of Alexander Chamberlin, for corn, forage, &c. furnished the commissioners of the Michigan road, and the hands employed by them to survey said road; and also the account of Walker, Carter & Co. for provision and merchandize furnished said commissioners, reported the following resolution, viz:

Resolved, That the committee of ways and means be, and they are hereby instructed to allow to Alexander Chamberlin, twenty-eight dollars, and to Walker, Carter & Co. fifteen dollars, in the specific appropriation bill.

Which report was concurred in by the house.

Mr. Lomax, from the committee on roads, to whom was referred the petition of the trustees of the corporation of the town of Utica, praying certain alteration of the road law, reported, that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

Which report was read and ordered to lie on the table.

Mr. Boon moved that the committee of claims, to whom was referred the account of Samuel J. and Robert Patterson, be discharged from the further consideration thereof.

Which motion was carried in the affirmative.

Leave was then given to withdraw said accounts

Mr. Marshall, member of this house from the county of Jackson, and who obtained leave of absence for the present session on last, now appeared and took his seat.

Mr. Sample, from the select committee to whom was referred, a resolution of this house, directing them to enquire into the expediency of making the malicious destruction of apple, pear, peach and cherry trees a penitentiary offence, and also of giving a more efficient civil remedy against trespassers on ornamental shade trees, grape vines, shrubbery, &c. reported a bill making certain trespasses therein named penal offences.

Which was read the first time and passed to a second reading to-mrorow.

On motion of Mr. Lemon,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 6th section of the act regulating the taking up estrays, approved January 7th, 1824, as to allow the person taking the estray to exercise ownership after the expiration of one year; but at all times be responsible to the proper owner for the amount of the appraisement.

Mr. Levenworth moved to reconsider the vote taken on concurring in the report of the committee on claims, relative to the petition of William S. M'Donald.

Which motion was carried in the affirmative.

Said report was then recommitted to the committee on claims.

Mr. Orr, after having obtained leave, presented a bill declaring Eel river a public highway.

Which was read the first time and passed to a second reading to-morrow.

The engrossed bill, from the senate, amending the several acts to incorporate the town of Madison, was read the second time and passed to a third reading to-morrow.

The bill to change the name of John Smith to John Lucius Smith was read the second time, and committed to a committee of the whole house and made the order of the day for to-morrow.

The bill for the relief of Washington Jackson was read the second time.

When Mr. Elliott moved to postpone the further consideration thereof indefinitely.

Which motion was decided in the negative.

Mr. Hillis moved that said bill be committed to a committee of the whole house and made the order of the day for to-morrow.

Which motion was carried in the affirmative.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The bill to change part of the state road from Rockport to Bloomington, was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to establish a state road from Franklin, via Shelbyville, in Shelby county, to Andersonville, in Franklin county: and

The bill to extend the benefits of the provisions of an act entitled an act for the relief of purchasers of lots in the town of Indianapolis, approved January 20, 1826, to the purchasers of out lots under the acts approved January 31, 1824 and February 10, 1825;

Were read a second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The engrossed memorial of the general assembly of the state of Indiana, on the subject of the cession

of the unsold lands within her boundary, was read the second time.

Mr. Judah moved to lay said memorial on the table.

Which motion was carried in the affirmative.

Mr. Craig moved to take up the bill to continue and locate the road from Lake Michigan by Indianapolis, to the Ohio river, and that the orders of the day be, for the present, postponed.

Which motion was carried in the affirmative.

Mr. Dunn moved to strike out the first section of said bill, which reads in the words following, viz.

That be and they are hereby appointed commissioners to locate and mark a road from Indianapolis to on the Ohio river, agreeably to the late treaty with the Pottawatamie Indians, and the act of congress in conformation thereof, which said road shall be a continuation of the road lately marked and surveyed from Lake Michigan, to Indianapolis, in pursuance of an act of the general assembly of the last session, entitled an act to provide for surveying and marking a road from Lake Michigan to Indianapolis, approved January 24th, 1828, and insert in lieu thereof, these words, viz: "That the Michigan road recently located from Lake Michigan to Indianapolis, shall be continued from thence to "

Mr. Lemon moved to fill the blank in the proposed amendment, by inserting these words, viz: "the Falls of the Ohio river, by the way of Columbus, in the county of Bartholomew."

Which motion was decided in the negative.

Mr. Craig moved to amend the proposed amendment, by filling the blank with the following words, viz: "to the Rising sun, in Dearborn county, by the way of Shelbyville, in Shelby county, Greensburgh, in Decatur county, and Napoleon in Ripley county."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Brown, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Hendricks, Kinnard, Levenworth, Lomax, Long, Matlock, Morris, Orr, Pollock, Slaughter, St. Clair, St. John, Steele and Taylor—24.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Boon, Child, Frisbie, Goodhue, Hillis, Judah, Lemon, Leviston, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Read, Ritchey, Sample, Stewart, Sweetser, Trafton, Wallace, Welburn, Williams, Work, Young and Howk, speaker—31.

And so said motion was decided in the negative.

Mr Hillis moved to amend said amendment, by inserting in the blank, the words following, viz: "to Madison, on the Ohio river, by the way of Columbus, in Bartholomew county, and Vernon, in Jennings county."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Crume, Deming, Elliott, Findley, Frisbie, Hillis, Kinnard, Lomax, Long, Matlock, Morris, Orr, Pabody, Palmer, Sample, Slaughter, St. John, Steele, Sweetser, Wallace, Worth and Young—24.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Blair, Child, Craig, Dufour, Dumont, Dunn, Goodhue, Hendricks, Judah,

Lemon, Levenworth, Leviston, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Pollock, Read, Ritchey, St. Clair, Stewart, Taylor, Trafton, Welburn, Williams, Work and Howk, speaker—32.

And so said motion was decided in the negative.

Mr. Dumont moved to amend said amendment, by inserting in the blank, the words following, viz: "to Vevay, on the Ohio river, in the county of Switzerland, on the present state road leading from Indianapolis to Vevay.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Brown, Craig, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Hendricks, Kinnard, Levenworth, Lomax, Long, Morris, Orr, Pollock. Sample, Slaughter, St. Clair, St. John, Steele, Taylor, Wallace, Worth and Young—27.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Boon, Child, Crume, Goodhue, Hillis, Judah, Lemon, Leviston, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Ritchey, Stewart, Sweetser, Trafton, Welburn, Williams, Work and Howk, speaker—28.

And so said motion was decided in the negative.

Mr. Pennington moved to amend said amendment by inserting in the blank the words following, viz: "to Franklin; thence to Edingburgh, Columbus, Brownstown, Salem, Corydon, to Maukport, in Harrison county."

And the ayes and noes being required thereon by Two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bell, Child, Craig, Deming, Frisbie, Kinnard, Levenworth, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Palmer, Pennington, Pollock, Read, Ritchey, Slaughter, Sweetser, Trafton, Wallace, Worth, Young and Howk, sp'r—25.

And those who voted in the nvgative are,

Messrs. Allen, Bassett, Blair, Boon, Brown, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Lemon, Leviston, Lomax, Long, Lynd, Matlock, Pabody, Sample, St. Clair, St. John, Steele, Stewart, Taylor, Welburn, Williams and Work—31.

And so said motion was decided in the negative.

Mr. Sweetser moved to amend said amendment, by inserting in the blank, the following words, viz: "to Jeffersonville, in Clark county, by the way of Columbus, in Bartholomew county."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Child, Deming, Frisbie, Goodhue, Hillis, Kinnard, Lemon, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Orr, Pennington, Read, Slaughter, Sweetser, Trafton, Wallace, Work, Worth, Young and Howk, Speaker—26.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Craig, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Hendricks, Judah, Levenworth, Leviston, Lomax, Long, Matlock, Moyer, Pabody, Palmer, Pollock, Ritchie, Sample, St. Clair, St. John, Steele, Stewart, Taylor, Welburn and Williams—30.

And so said motion was decided in the negative.

Mr. Pennington moved to amend the amendment, by inserting in the blank the following words, viz:

"To Bloomington; thence to Bedford; thence to

Orleans; thence to Paoli; thence to the town of Levenworth, in the county of Crawford."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Craig, Dufour, Frisbie, Judah, Levenworth, Long, Lynd, Matlock, Moyer, Orr, Pennington, Read, Ritchie, Slaughter, Trafton, Wallace, Welburn, Williams, Worth and Young—24.

And those who voted in the negative are,

Messrs. Boon, Brown, Child, Crume, Deming, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Kinnard, Lemon, Leviston, Lomax, Marshall, M'Intire, Morris, M'Pheeters, Pabody, Palmer, Pollock, Sample, St. Clair, St. John, Steele, Stewart, Sweetser, Taylor, Work and Howk, Speaker—32.

And so said motion was decided in the negative.

Mr. Child moved to amend said amendment, by inserting in the blank the following words, viz:

"By the way of Columbus, Bartholomew county, to the falls of the Ohio river."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Child, Frisbie, Hillis, Kinnard, Lemon, Marshall, M'Intire, Morris, M'Pheeters, Orr, Pennington, Read, Ritchey, Slaughter, Stewart, Sweetser, Trafton, Wallace, Work, Worth, Young and Howk, Speaker—25.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair. Craig, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Good-

hue, Hendricks, Judah, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Moyer, Pabody, Palmer, Pollock, Sample, St. Clair, St. John, Steele, Taylor, Welburn and Williams—31.

And so said motion was decided in the negative.

Mr. Dumont moved to amend said amendment, by inserting in the blank the following words, viz:

"To Vevay in Switzerland county."

Which motion was decided in the negative.

Mr. Stewart moved to amend the amendment, by inserting in the blank the following words, to wit:

"Thence to Columbus; thence to Brownstown; thence to Salem; thence to Greenville; thence to New Albany."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Child, Deming, Frisbie, Kinnard, Lemon, Marshall, M'Intire, Morris, M'Pheeters, Orr, Pabody, Palmer, Pennington, Read, Ritchey, Slaughter, Stewart, Sweetser, Trafton, Wallace, Welburn, Work, Worth and Howk, Speaker—27.

And those who voted in the negative are,

Messrs. Bassett, Blair, Craig, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Moyer, Pollock, Sample, St. Clair, St. John, Steele, Taylor, Williams and Young —28.

And so said motion was decided in the negative.

Mr. Pennington then moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Pollock then moved to amend said amend-

ment, by inserting in the blank the following words, viz:

"To the town of Madison, by the way of Shelbyville, in Shelby county, Greensburgh, in Decatur county, and Napoleon, in Ripley county."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Boon, Brown. Craig, Crume, Dufour, Dumont, Dunn, Elliott, Findley, Hendricks, Kinnard, Lomax, Long, Morris, Orr, Pollock. Read, Sample, St. Clair, St. John, Steele, Taylor, Trafton, Wallace, Worth and Young—28.

And those who voted in the negative are,

Messrs. Bell, Blair, Child, Deming, Frisbie, Goodhue, Hillis, Judah, Lemon, Levenworth, Leviston, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Ritchey, Stewart, Sweetser, Welburn, Williams, Work and Howk, speaker—27.

So said motion was carried in the affirmative.

Mr. Lemon then moved to lay said bill and proposed amendment on the table.

Which motion was carried in the affirmative.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate have passed bills of the following titles, to wit:

An act to incorporate the Eel River Seminary Society;

An act to incorporate Hanover Academy;

An act for the benefit of Samuel M'George;

In all of which bills the concurrence of the house of representatives is requested.

The engrossed bill from the senate, to incorporate the Eel river Seminary Society;

The engrossed bill to incorporate Hanover Academy; and

The engrossed bill for the relief of Samuel M'George; were severally read the first time and passed to a second reading to-morrow.

The engrossed bill from the senate, to amend an act entitled an act relative to crimes and punishments, was read the second time, and committed to a committee of the whole house, and made the order of the day for Wednesday next.

Mr. Judah moved that one hundred copies thereof be printed for the use of the members of this house.

Which motion was carried in the affirmative.

The bill to amend the act entitled an act regulating the fees of the several officers and persons therein named, approved January 30, 1824, was read the second time and committed to a committee of the whole house, and made the order of the day for to-morrow.

The bill to authorize the sale of the school lands, and for other purposes, was read the second time, and committed to a committee of the whole house, and made the order of the day for Wednesday next.

Mr. Pennington presented the following resolution to-wit:

Resolved, That the house of representatives will meet the senate, to-morrow at 2 o'clock P. M., in the representatives hall, for the purpose of electing one president judge in the fifth judicial circuit; and five prosecuting attornies, one in the first, second, third, fourth and fifth judicial circuits of this state, and that the senate be informed thereof, and a similar resolution on their part be requested.

Mr. Deming moved to lay said resolution on the table.

Which motion was decided in the negative.

Mr. Hillis moved to amend said resolution by striking out "to-morrow," and inserting "Wednesday week."

Which motion was decided in the negative.

Mr. Sample moved to amend said resolution by striking out the word "to-morrow," and inserting "Wednesday next."

And then the house adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, December 23, 1828.

The house met pursuant to adjournment.

Mr. Dunn, from the committee on the judiciary, to whom was referred, a resolution of this house on that subject, reported a bill to amend the act entitled an act regulating descents.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Sweetser, from the same committee, to whom was referred, a resolution of this house, directing an enquiry into the expediency of passing a law, authorizing the sale of equitable and trust estates and choses in action, reported a bill to subject trust estates, equitable interests, and choses in action to the payment of debts.

Which was read the first time and passed to a second reading to-morrow.

Mr. Palmer moved that the public printer be directed to print one hundred copies of the same, for the use of the members of this house.

Which motion was carried in the affirmative.

Mr. Leviston, from the joint committee for enrolled bills, made the following report, viz:

Mr. Speaker,

The joint committee for enrolled bills report, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

A joint resolution concerning the mail route thro' the seats of government of Indiana, Illinois and Missouri;

An act to amend the act subjecting real and personal estate to execution, approved January 30th, 1824;

An act to legalize the proceedings of the board of commissioners of Vigo county;

An act to amend an act entitled an act attaching certain territory to the counties therein named, approved January 16th, 1828;

A joint resolution relative to the laws of congress remaining in the office of the secretary of state.

Mr. Boon, from the committee on claims, submitted the following report, viz:

Mr. Speaker,

The committee on claims to whom was referred, that part of the report of the commissioners of the Wabash and Miami canal, relative to their accounts and expenditures during this year, beg leave to report,

That they have examined said accounts and compared them with the accompanying vouchers, and find that they have expended for stationary, hire of hands, levelling instruments, provisions, camp equipage, services of engineer, surveyor, clerk, and for services of commissioners, one thousand eight hundred and eighty-eight dollars and forty-five cents; and that services have been rendered and expenses necessarily incurred to that amount.

Your committee would remark, that on examina-

tion of Voucher No. 3, for levelling instruments, they find an overcharge of $4. This your committee are satisfied is an error in transcribing the account from the voucher, and your committee would further remark, that with this sum the commissioners stand chargeable.

Your committee would recommend the adoption of the following resolution, to wit:

Resolved, That the accounts of the commissioners of the Wabash and Miami canal to the amount of one thousand eight hundred and eighty-eight dollars and forty five cents be allowed.

Which report was concurred in by the house.

Mr. Stewart, from the select committee to whom was referred, the petition of John Scott and others, reported a bill to amend the law regulating grist mills.

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Read,

Resolved, That the committee of ways and means be, and they are hereby instructed to enquire into the expediency of so amending the revenue law, as to fix on some day certain, when all property both real and personal, shall be subject to taxation.

Mr. Dunn from the select committee to whom was recommitted, the bill for the more speedy collection of forfeitures on officers' bonds, in certain cases therein named, reported the same with an amendment, which was twice read at the clerk's table and concurred in by the house.

Said bill was then ordered to be engrossed and read the third time to-morrow.

Mr. Morris presented the following resolution, viz:

Resolved, That the committee on roads be required to report a section to the road law authorizing supervisors of highways to call out the hands not exceeding three days, in addition to the time require-

ed by law, if in their opinion the road should require additional labour.

Mr. Read moved to lay said resolution on the table.

Which was carried in the affirmative.

Mr. Sweetser, after having obtained leave, presented a joint resolution relative to maps of the state of Indiana, to be published by John Scott of Wayne county:

Which was read the first time, and passed to a second reading to-morrow.

Mr. Steele moved to take up the bill to continue and locate a road from Lake Michigan, by way of Indianapolis, to some point on the Ohio river, and the amendment proposed thereto as amended.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Boon, Brown, Craig, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Hendricks, Judah, Kinnard, Leviston, Lomax, Long, Matlock, Morris, Pennington, Pollock, Riley, Sample, Slaughter, St. Clair, St. John, Steele, Sweetser, Taylor, Trafton, and Wallace—32.

And those who voted in the negative are,

Messrs. Allen, Blair, Child, Deming, Goodhue, Hillis, Lemon, Levenworth, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Orr, Pabody, Palmer, Read, Ritchey, Stewart, Welburn, Williams, Work, Worth, Young and Howk, Speaker—25.

And so said motion was carried in the affirmative.

The question recurring on amending said bill, by striking out the first section thereof from the enacting clause, and inserting the amendment proposed

by Mr. Dunn, on yesterday, which was amended so as to read in the words following, viz:

"That the Michigan road, recently located from Lake Michigan to Indianapolis, shall be continued from thence to Madison on the Ohio river, by the way of Shelbyville, in Shelby county, Greensburgh in Decatur county, and Napoleon in Ripely county."

And a division of the question being called for by Mr. Hillis, the question was taken on striking out the first section of said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Craig, Dufour, Dumont, Dunn, Elliott, Findley, Frisbie, Hendricks, Judah, Leviston, Lomax, Long, Morris, Orr, Pollock, Read, Riley, Sample, St. Clair, St. John, Steele, Taylor, Trafton, Wallace and Welburn—28.

And those who voted in the negative are,

Messrs. Bell, Blair, Child, Crume, Deming, Goodhue, Hillis, Kinnard, Lemon, Levenworth, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Ritchey, Slaughter, Stewart, Sweetser, Williams, Work, Worth, Young and Howk, speaker—28.

And so the house refused to strike out the first section of said bill.

Mr. Hillis moved to amend said bill in the second blank in the first section thereof, by inserting the words following, viz: "to Madison on the Ohio river, via Franklin in Johnson county, and Columbus in Bartholomew county."

Mr. Pennington then moved to lay said bill and proposed amendment on the table:

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Child, Crume, Deming, Frisbie, Judah, Lemon, Levenworth, Long, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Palmer, Pennington, Riley, Ritchie, Stewart, Sweetser, Welburn, Williams, Work, Worth and Howk, Speaker—28.

And those who voted in the negative are,

Messrs. Bassett, Brown, Craig, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Kinnard, Leviston, Lomax, Matlock, Morris, Orr, Pabody, Pollock, Read, Sample, Slaughter, St. Clair, St. John, Steele, Taylor, Trafton and Wallace—28.

And so said motion was decided in the negative.

Mr. Lemon, then moved to lay said bill and proposed amendment on the table.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Child, Crume, Deming, Frisbie, Goodhue, Judah, Lemon, Levenworth, Long, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Read, Riley, Ritchey, Stewart, Sweetser, Welburn, Williams, Work, Worth, Young and Howk, sp'r—29.

And those who voted in the negative are,

Messrs. Bassett, Boon, Brown, Craig, Dufour, Dumont, Dunn, Elliott, Finley, Hendricks, Hillis, Kinnard, Leviston, Lomax, Matlock, Morris, Orr, Pabody, Palmer, Pollock, Sample, Slaughter, St. Clair, St. John, Steele, Taylor, Trafton and Wallace—28.

And so said motion was carried in the affirmative.

Mr. Sweetser, after having obtained leave, presented a bill to authorize the board of justices of Bartholemew county, to levy an additional tax:

Which was read the first time, and passed to a second reading to-morrow.

The engrossed bill from the senate entitled an act, providing for the more certain preservation of the title to real estate, was read the second time and committed to a committee of the whole house to-morrow.

The engrossed bill from the senate, entitled an act to locate a state road from the Ohio line by way of Abington and Waterloo to Connersville, was read the second time and passed to a third reading to-morrow.

The engrossed memorial from the senate of the general assembly of the state of Indiana, to congress, on the subject of the extinguishment of Indian title to lands within the state of Indiana, was read the second time, and committed to a committee of the whole house to-morrow.

The engrossed bill from the senate, entitled, an act to incorporate the Hanover Academy, was read the second time and ordered to lie on the table.

The engrossed bill from the senate entitled, an act providing for printing and distributing the acts, joint resolutions and journals of the present session of the general assembly, was read the second time, and committed to a committee of the whole house to-morrow.

The engrossed bill from the senate, for the benefit of Samuel M'George, was read the second time and referred to the committee on claims.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The bill to amend the several acts now in force regulating the militia of the state of Indiana, was

read the second time, and committed to a committee of the whole house to-morrow.

The bill declaring Eel river a public highway, was read the second time and committed to a committee of the whole house on Friday next.

The bill making certain trespasses therein named penal offences, was read the second time and committed to the same committee of the whole house to which is committed the bill from the senate to amend the act relative to crimes and punishments.

The engrossed bill from the senate entitled, an act to incorporate the Eel river seminary society, was read the second time and ordered to a third reading to-morrow.

The engrossed bill to change part of the state road leading from Rockport to Bloomington;

The engrossed bill to establish a state road from Gallatin, via Greencastle, Moorsville, and Port-Royal to Franklin;

The engrossed bill to establish a state road from or near Brownsville, by the way of Waterloo and Milton, to intersect the state road leading from Centreville to Indianapolis;

The engrossed bill concerning the town of Fort-Wayne;

The engrossed bill to amend the act entitled, an act declaring Salt Creek a public highway, approved, January 14th, 1827; and,

The engrossed bill to re-locate part of the state road leading from the Ohio line by Winchester to Indianapolis; were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill from the senate entitled, an act for the relief of the securities of Samuel Stanley

deceased, late collector of Jackson county, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill authorizing Thomas Hallowell to sell and convey certain real estate, was read the thrrd time and ordered to lie on the table.

The engrossed joint resolution authorizing the auditor to audit, and the treasurer to pay the several officers therein named, was read the third time, and the question being put, Shall said joint resolution pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Child, Deming, Dufour, Dunn, Frisbie, Goodhue, Hendricks, Lemon, Levenworth, Leviston, Long, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Read, Riley, Ritchey, Slaughter, Steele, Stewart, Taylor, Trafton, Welburn, Williams, Work and Young—34.

And those who voted in the negative are,

Messrs. Brown, Craig, Crume, Dumont, Elliott, Finley, Judah, Kinnard, Lomax, Matlock, Orr, Palmer, St. Clair, St. John, Sweetser, Wallace, Worth and Howk, speaker—17.

And so said joint resolution passed.

Ordered, That the Clerk carry the same to the senate and ask their concurrence therein.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am requested by his excellency, the governor,

to inform the house of representatives that he did on this day approve and sign—

An act to amend the act entitled an act subjecting real and personal estate to execution, approved, January 30th, 1824;

An act legalizing the proceedings of the board of commissioners for the county of Vigo;

An act to amend an act entitled an act attaching certain territory to the counties therein named, approved, January 16th, 1828.

A joint resolution relative to the laws of congress remaining in the office of the Secretary of State.

A joint resolution concerning the mail route thro' the seats of government of Indiana, Illinois and Missouri.

All of which originated in the house of representatives.

On motion of Mr. Levenworth,

The committee of the whole house to which was committed the preamble and joint resolution on the subject of the eminent domain, was discharged from the further consideration thereof.

Mr. Lemon then moved to lay the same on the table.

Which motion was carried in the affirmative.

The house resolved itself into a committee of the whole on the bill declaratory of the legal rights of juries; and after some time spent therein, the speaker resumed the chair, and Mr. Dufour reported the same without amendment.

The said bill was then ordered to be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill to amend the act to establish a county treasurer, approved, January ; and after some time spent therein, the speaker resumed the chair, and Mr. Dumont reported the same with several amendments.

The said bill and amendments were then ordered to lie on the table.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate have passed bills of the house of representatives without amendment, of the following titles, to wit:

An act supplemental to an act declaring Busseron creek a public highway;

An act to amend the act authorizing domestic attachments, and to regulate proceedings thereon, approved, January 2d, 1824;

An act to establish a state road from Mount Vernon to the Wabash river at Collins ferry, in a direction to Vandalia in the state of Illinois; and,

An act to amend an act entitled, an act amendatory of the law, and for the better advancement of justice.

The senate have also passed an engrossed bill from the house of representatives entitled, an act supplemental to an act entitled, act appointing commissioners to re-locate the seat of justice of Lawrence county, approved February 9, 1825, with one amendment, in which the concurrence of the house of representatives is requested.

The senate have passed engrossed bills originating in the senate, entitled as follows, to wit:

An act supplemental to an act for the relief of insolvent debtors, approved, January 28, 1828;

An act to vacate the town of Owensville;

An act to regulate appeals on trials of the right of property.

In which last mentioned bills of the senate, the concurrence of the house of representatives is requested.

The engrossed bills from the senate entitled as

above, were severally read the first time and passed to a second reading to-morrow,

The amendment proposed by the senate to the bill of this house, to amend the act appointing commissioners to re-locate the seat of justice of Lawrence county, was read and agreed to by the house.

Ordered, That the clerk inform the senate.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 24, 1828.

The house met pursuant to adjournment.

Mr. Sweetser, from the committee on the judiciary, to whom was referred a resolution of this house directing an enquiry into the expediency of forming two additional judicial circuits, reported a bill for the formation of judicial circuits, and fixing the times of holding courts therein.

Which was read the first time; when,

Mr. Pennington moved to reject said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs Bell, Blair, Boon, Child, Judah, Kinnard, Lemon, Lomax, Long, Lynd, Marshall, M'Intire, M'Pheeters, Pabody, Palmer, Pennington, Ritchey, St. Clair, Steele, Stewart, Sweetser, Taylor, Welburn, Williams, Work and Worth—26.

And those who voted in the negative are,

Messrs. Allen, Brown, Craig, Crume, Deming,

Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Levenworth, Leviston, Matlock, Morris, Moyer, Orr, Pollock, Read, Riley, Sample, Slaughter, St. John, Trafton, Wallace, Young and Howk, Speaker—30.

And so said motion was decided in the negative.

Said bill then passed to a second reading to-morrow.

Mr. St. Clair, from the joint committee for enrolled bills, made the following report, viz:

Mr. Speaker,

The joint committee for enrolled bills report, that they have compared the enrolled with the engrossed bills, entitled acts, to wit:

An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice;

An act supplemental to an act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved February 9th, 1825;

An act supplemental to an act declaring Busseron creek a public highway;

An act to establish a state road from Mount Vernon, to the Wabash river, at Collins's ferry, in a direction to Vandalia, in the state of Illinois;

An act to amend the act authorizing domestic attachments, and to regulate proceedings thereon, approved January 2d, 1824; and,

A memorial to congress on the subject of improving the mail road from Louisville to St. Louis.

And find the same truly enrolled:

Whereupon,

The speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Kinnard, from the committee on the affairs of

the town of Indianapolis, made the following report, to wit:

The committee on the affairs of the town of Indianapolis, to whom was referred a resolution directing an enquiry into the expediency of adding wings to the house now erected on the governor's circle, so as to convert the same into a state house, have had that subject under consideration, and now report:

That they believe the ground on which the governor's house has been erected, taking into consideration its central and elevated position, is the natural and most eligible site for a state house in the whole town. On the other hand, they have no hesitation in saying, that it is not suited to the purpose to which it has been applied. In addition to the great error of selecting that place for the location of the building referred to in the resolution, a still greater one was committed in erecting thereon, a structure manifestly unfit for the intended purpose. When considered as a family residence, it is at best inconvenient and inelegant. The governor's circle, being comparatively small, and surrounded by a very public street, affords no space to be occupied by outhouses, garden, &c.; those necessary appendages to a family residence. The reservation of one or two adjacent lots across the street for these purposes—when the inconvenience of their situation, and their shape and size are taken into consideration, does not remove the objection.

That building is entirely too large to be furnished by an individual at his own expense—to prevent the embarrassment of his pecuniary affairs, and to render his situation commodious and respectable, it would seem to be necessary to make an appropriation of several thousand dollars, for the purchase of furniture, which your committee believe would not be dictated by sound policy. Every consideration of prudence and economy, shews the propriety of

paying the house rent of the governor, in preference to furnishing the house already built. A sum sufficient to furnish it in a suitable manner, would pay the rent of a private dwelling for a long term of years. If then an error exists, the present moment seems to be the proper time to apply the remedy.

The committee are not of opinion that any material alteration can be made in the interior structure of the building, without endangering the whole fabric. They, therefore, recommend the addition of two wings—one on the east side, for a senate chamber; the other on the west side for a representative hall. The rooms of the present building would serve for public offices, committee rooms, &c. The committee are aware that in accomplishing this undertaking, some difficulties may occur. They cannot, however, imagine any that will be insurmountable.

While the committee admit the power in the legislature to make changes in the plan of the town, they at the same time believe, that nothing but urgent necessity and the public good, would justify its exercise. It would not, in any event be admissible, without paying a strict regard to the rights of the owners of those lots, which might hereby be affected in value. Although this power would not in the present case be arbitrarily assumed, the legislature should take care that it be not capriciously applied. The mutual advantage of the state and of the owners of lots, should be the main object. If, then, the proposed alteration is practicable, and if time and experience afford convincing proof of its necessity, it will not, the committee believe, become the object of either public censure, or private complaint. No strict and positive rule has been or can be defined, to govern legislation in relation to the public building, and other property of the state. Circumstances and observation should then have some

weight in changing the conduct and opinions of this body, on these as on all other affairs.

The committee are aware that a relinquishment of the determination to build a state house on the square originally designated for that purpose on the town plat, will have a tendency to diminish the value of the lots situated in that part of the town; a remuneration, therefore, to the owners of such of those lots as are private property, in proportion to this depreciation of their value, is dictated by justice, and a regard for the public faith, which should in all cases be held sacred. No possible circumstances could arise, that would justify its violation.

The building of the governor's house on the state house square, would, in some degree, prevent that that depreciation. Independent of a desire to remove, as far as possible, every cause of dissatisfaction, on the part of the owners of lots in that quarter of the town, an additional inducement to adopt this measure, would be the value thereby given to the many lots which have either not been sold, or have been forfeited, and are now the property of the state. This situation combines every desirable advantage; it is retired, yet convenient, affording sufficient space for garden, ornamental trees, and such out-houses as are essential to the comfort and convenience of a family.

The abstract question of the necessity and policy of providing a house for the residence of the governor, is not strictly an appropriate subject for the consideration of the committee; like every other policy, it is liable to abuse. In erecting a house for the residence of the governor, the object should be in accordance with the constitutional injunction, requiring him to keep his office at the seat of government, to give to that officer a permanent locality, that he might be at all times accessible to his fellow citizens, and to those with whom he might have offi-

cial business to transact—not to copy the example of royalty, which amidst the splendor and prodigality of a palace, loses sight of economy, and that republican simplicity which is the greatest ornament of our institutions. A building then which in its situation and structure, would unite elegance to comfort and convenience, and which would require no more than necessary furniture, would not be liable to the above objection. A saving at least of the annual appropriation of $200 for the house rent of the governor, might it seems, be effected. Besides, the committee would offer the suggestion, that this would be nothing more than a compliance with the engagement which the state has virtually made with the purchasers of lots that such a house should be built, by designating a lot for that purpose on the town plat, and by commencing the work.

The committee are also ready to report on the resolution directing an enquiry into the expediency of enclosing the governor's circle. This they believe to be expedient—and in the bill herewith reported, they have made provision for an enclosure of brick, which in point of durability and utility, is considered most advisable. The same bill provides for the appointment of a commissioner of public buildings. The lessons of experience and good policy require that the responsibility of conducting the public improvements should rest on one individual alone. This would prevent that neglect of public interest which frequently characterizes the conduct of several agents acting jointly, whose collisions, and compromises of opinion, do not always afford the most beneficial result. If the legislature should object to the appointment of another officer, the duties of this office might be assigned to the agent of state.

In conclusion, the committee beg leave to offer a brief view of the situation of the fund arising from

the sales of lots in the town of Indianapolis. By the report of the treasurer, it appears that the sum of more than $4000 is now on hand. From other information politely furnished the committee by the agent, it also appears that the amount expected to arise from the payment of future instalments on lots already sold, is between $7000 and $8000. Of which sum $1850 accruing from a sale of out lots in 1828, must be paid between the 1st January and the 2d May next, or the lots will be forfeited. The principal part of the balance will be payable as follows: one third in May, 1829—one third in May 1830—the other third in 1831. To this may be added the sum of $1000 arising in the same time from rents, leases, &c. of lots on the donation. Hence in 1831, independent of the proceeds of future sales of lots—if in the intermediate time, any should be ordered—the whole fund will amount to something more than $13,000; a sum, in the opinion of the committee, nearly sufficient, if judiciously applied, to accomplish all the undertakings and improvements now projected.

All of which is respectfully submitted.

Mr. Kinnard from the same committee, reported a bill to establish the office of commissioner of public buildings and for other purposes.

Which was read the first time and passed to a second reading to-morrow.

Mr. Wallace from the committee on the judiciary, reported a bill amendatory of the act entitled, an act regulating the jurisdiction of justices of the peace, approved, January 30th, 1824.

Which was read the first time and passed to a second reading to-morrow.

Mr. Boon, from the committee on claims, made the following report, viz:

Mr. Speaker,

The committee on claims to whom was referred

the petition of N. & G. Guilford, with the accompanying documents, have had the same under consideration, and directed me to report that in the opinion of the committee, the said N. & G. Guilford are entitled to the following sums expended by them in the apprehending and bringing to justice Wm. H. Rothwell for the murder of Wm. Pittman.

Cash advanced M'Donald at Cincinnati, May 23d, 1828, to enable him to pursue Rothwell,	$15 00
Cash paid expenses at Pittsburgh, fee-bill of Holdship & Son, May 30	75 00
Cash paid passage expenses of M'Donald and prisoner from Cincinnati to Rome, June 3d	30 00
Cash paid bill of expenses of witnesses from Cincinnati to Rome, to attend trial	76 00
Amounting in the whole to	$196 00

And they therefore recommend the adoption of the following resolution:

Resolved, That the committe of ways and means be, and they are hereby instructed to allow to N. & G. Guilford one hundred and ninety-six dollars, in the specific appropriation bill, as set forth in the above account.

Which was read and concurred in by the house.

Mr. Boon, from the same committee, made the following report, viz:

Mr. Speaker,

The commitee on claims to whom was re-committed the claim of Wm. S. M'Donald for his time and expenses in apprehending and bringing to justice Wm. H. Rothwell for the murder of Wm. Pittman, have had the same under their consideration and do report, that the said M'Donald is entitled to the following sums expended by him.

Cash borrowed at Shawneetown, sixteen dollars of which was lost or stolen,	$30 00
Expense in ascertaining the place where the murder was committed,	5 00
Expense of going to the place where deceased was buried,	2 00
Expense of going to Schuffletown bar for witnesses,	3 00
Expense of going to Henderson for witnesses,	3 00
Witnesses bill from Schuffletown and Henderson at Andersons at Rome,	7 00
Two witnesses at Mr. Perigoes,	5 00
Paid jailer for necessaries furnished prisoner,	5 00
	$60 00

Also they report, that there should be allowed to the said M'Donald in addition to the above, the sum of forty dollars for his services and time in apprehending the criminal above named, making in all the sum of one hundred dollars; and the committee therefore recommend the adoption of following resolution, viz:

Resolved, That the committee of ways and means be, and they are hereby instructed to allow to William S. M'Donald, in the specific appropriation bill, one hundred dollars, as set forth in the above report.

Which was read and adopted by the house.

Mr. Boon, from the same committee, made the following report, viz:

Mr. Speaker,

The committee on claims, to whom was referred the petition of William Craig, have had the same under their consideration, and have instructed me to report, that it is inexpedient to grant the prayer of the petitioner.

And they further report, that they have had the communication of Thomas Coffin under their consideration, requesting further allowance to be made him for money expended in boring for salt water at the French Lick, and have instructed me report, that it is inexpedient to make any further allowance.

Which report was read; when,

Mr. Moyer moved to lay so much of said report as relates to the claim of Thomas Coffin, on the table.

Which motion was carried in the affirmative.

And the house concurred in so much of said report as relates to William Craig.

Mr. Lomax, from the committee on roads, to whom was referred the petition of Jacob Landrum and others of Greene and Owen counties, praying the relocation of part of a state road therein named, reported a bill to re-locate part of the state road leading from Vincennes to Spencer in Owen county.

Which was read the first time, and passed to a second reading to-morrow.

Mr. Lemon, from the select committee to whom was referred a resolution of this house, on the subject of the dividing line between the counties of Clark and Scott, reported a bill authorizing the sruveying and marking the boundary line between the counties of Clark and Scott.

Which was read the first time and passed to a second reading to-morrow.

The house resumed the consideration of the resolution offered by Mr. Pennington on Monday last, relative to the election of one circuit judge and five prosecuting attorneys, and the amendment proposed thereto.

Mr. Sweetser then moved to lay said resolution and proposed amendment on the table.

Which motion was carried in the affirmative.

On motion of Mr. Craig,

Resolved, That the committee on education be instructed to enquire what provisions, if any, are necessary to prevent lands mortgaged to secure the seminary fund from being sold for taxes, and thereby lost to said fund.

Mr. Lomax moved to take up the resolution presented by Mr. Morris on , which reads as follows, viz:

Resolved, That the committee on roads be required to report a section to the road law, authorizing supervisors of highways, to call out the hands not exceeding three days in addition to the time required by law, if in their opinion the road should require additional labour.

Mr. St. John moved to amend said resolution so as to direct said committee to "enquire into the expediency of reporting a section &c."

Which motion was decided in the negative.

And the question recurring on the adoption of said resolution.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bell, Craig, Dunn, Frisbie, Levenworth, Lomax, Matlock, Morris, Palmer, Trafton, Worth and Young—12.

And those who voted in the negative are,

Messrs. Allen, Blair, Boon, Brown, Child, Crume, Deming, Dufour, Dumont, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah Kinnard, Lemon, Leviston, Long, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Orr, Pabody, Pennington, Pollock, Read, Riley, Ritchey, Sample, Slaughter, St. Clair, St. John,

Steele, Stewart, Sweetser, Taylor, Wallace, Welburn, Williams, Work and Howk, Speaker—44.

And so said resolution was lost.

Mr. Long moved to take up the preamble and joint resolution of this house, relative to the right of soil, which the state of Indiana has to the unappropriated lands within her boundaries.

Which motion was carried in the affirmative.

Mr. Lemon moved that said preamble and joint resolution be re-committed to a committee of the whole house, and made the order of the day for Monday next.

Which motion was decided in the negative.

Mr. Pennington then moved that the same be re-committed to a committee of the whole, and made the order of the day for this day.

Which motion was carried in the affirmative.

Mr. Pennington moved to take up the engrossed memorial from the senate, on the same subject.

Which motion was carried in the affirmative.

Mr. Pennington moved to re-commit said joint resolution to the same committee of the whole house, to which is committed the preamble and joint resolution of this house on that subject.

Which motion was carried in the affirmative.

Mr. Orr, after having obtained leave, presented a bill to establish a state road from Greencastle to the state line, in the direction of Springfield in the state of Illinois.

Which was read the first time and passed to a second reading to-morrow.

Mr. Palmer moved to take up the engrossed bill from the senate to incorporate the Hanover Academy.

Which motion was carried in the affirmative.

Said bill was then ordered to a third reading to-morrow.

Mr. Kinnard, after having obtained leave, pre-

sented a bill to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein.

Which was read the first time and passed to second reading to-morrow.

Mr. Leviston, from the joint committee for enrolled bills, made the following report, viz:

Mr. Speaker,

The joint committee for enrolled bills, did on this day present to his Excellency the Governor, for his approval and signature the following enrolled bills entitled acts, viz:

An act regulating the mode of doing county business in the counties of Allen, Hendricks and Madison.

An act supplementary to an act entitled, an act to authorize the judges of the Montgomery circuit court to hold a special session, approved, December 17th, 1828.

An act supplementary to an act entitled, an act to amend an act to regulate the judicial circuits and fixing the times of holding courts therein, approved, February 12th, 1825.

The engrossed bill from the senate, to vacate the town of Owensville;

Was read the second time and passed to a third reading to-morrow.

The engrossed bill from the senate, supplementary to an act for the relief of insolvent debors, approved, January 28th, 1824;

Was read the second time and passed to a third reading to-morrow.

The engrossed bill from the Senate, to regulate appeals on trials of the right of property;

Was read the second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The bill to authorize the board of justices of Bartholomew county to levy an additional tax;

Was read the second time, and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to maps of the state of Indiana, to be published by John Scott of Wayne county; and,

The bill to amend the law regulating grist mills;

Were severally read the second time, and committed to a committee of the whole house to-morrow.

The bill to subject trust estates equitable interests, and choses in action to the payment of debts; and,

The bill to amend an act entitled, an act to regulate decents, approved January 2d, 1824;

Were severally read the second time, and committed to a committee of the whole house, and made the order of the day for Monday next.

The engrossed bill from the senate, amending the several acts to incorporate the town of Madison;

Was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock*, *P. M.*

The house met pursuant to adjournment.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has passed an engrossed bill of the house of representatives entitled,

An act relative to navigable streams declared

highways, by the ordinance of 1787, with one amendment.

In which the concurrence of the house of representatives is requested.

The senate has also passed an engrossed bill entitled,

An act for viewing and laying out a state road from Bono, via Bedford, to Terre-Haute.

In which the concurrence of the house of representatives is requested.

The first bill mentioned in the above message and the amendment proposed thereto by the senate, were ordered to lie on the table.

The second named bill in the above message was read the first time and passed to a second to-morrow.

The engrossed bill from the senate to incorporate the Eel river seminary society;

Was read the third time as amended, and passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

The engrossed bill from the senate, to locate a state road from the Ohio line by Abbington, Waterloo, to Connersville;

Was read the third time and passed.

Ordered, That the clerk inform the senate therof.

The engrossed bill declaratory of the rights of juries; and,

The engrossed bill for the more speedy collection of forfeitures on officers' bonds in certain cases therein named;

Were severally read the third time time and passed.

Ordered, That the same be entitled acts, and that the clerk carry the same to the senate and ask their concurrence therein.

The house resolved itself into a committee of the whole on the preamble and joint resolution on the

subject of the right of soil, which the state of Indiana has to the unsold lands within her territory; and the engrossed memorial from the senate of the general assembly of the state of Indiana, on the subject of a cession of the unsold lands within her boundaries, and after some time spent therein, the speaker resumed the chair, and Mr. Elliott reported the joint resolution of this house with one amendment, which was by striking out the preamble and the engrossed memorial from the senate, by striking the same out from the word "to" in the first line.

Which amendments were concurred in by the house.

Mr. Sample moved further to amend the joint resolution of this house, by striking it out from its resolving clause, which reads in the words following, viz:

"That the state being a sovereign free and independent state, has the exclusive right to the soil and eminent domain, of all the unappropriated lands within her acknowledged boundaries, which right was reserved to her by the state of Virginia in the deed of cession of the north western territory to the United States, being confirmed and established by the articles of confederacy and the constitution of the United States.

That our senators in congress be instructed, and our representatives requested, to use every exertion in their power by reason and argument, to induce the United States to acknowledge this vested right of the state, and place her on an equal footing with the original states in every respect whatever, as well in fact as in name.

That his excellency the governor, be requested to transmit a copy of this resolution to each of our senators and representatives in congress, and to each of their excellencies, the governors of each of the following states, to-wit: Ohio, Illinois, Missouri,

Mississippi, Louisiana and Alabama, requesting them to lay it before the legislature of their respective states for consideration, requesting them to adopt similar measures, if they should deem it expedient."

And insert in lieu thereof, the words following, viz:

"That our senators be instructed, and our representatives requested, to use their best endeavors to procure the passage of a law, ceding to the state of Indiana, all the unsold land within the same, and all land that hereafter may be purchased of the Indians, said purchase or purchases to be at the expense of this state.

Be it further resolved, That his excellency the governor, be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress, and to the governors of the following states, to-wit: Missouri, Mississippi, Ohio, Louisiana, Illinois and Alabama, requesting them to lay it before the legislature of their respective states, and requesting them to adopt similar resolutions."

Mr. Dufour moved to amend the proposed amendment by inserting after the word Indiana, the words following, "for purposes of education and making internal improvements,"

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Sample, to strike out said joint resolution from its resolving clause, and inserting his amendment in lieu thereof.

And a division of the question being called for by Mr. Hillis, the question was taken on striking out.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Brown, Craig, Crume, Dem-

ing, Dumont, Dunn, Elliott, Finley, Frisbie, Judah, Morris, Orr, Pabody, Palmer, Pollock, Read, Sample, St. Clair, Sweetser, Taylor, Trafton, Wallace, Welburn, Work, Worth, Young and Howk, Speaker—29.

And those who voted in the negative are,

Messrs. Blair, Boon, Child, Dufour, Goodhue, Hendricks, Hillis, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Ritchey, Slaughter, St. John, Steele, Stewart and Williams —26.

And so said joint resolution was stricken out from its resolving clause.

Mr. Lomax moved to amend the proposed amendment by striking out these words, "and all land that may be hereafter purchased of the Indians, said purchase or purchases to be at the expense of this state;" and,

On motion of Mr. Marshall,

Said joint resolution and proposed amendment were ordered to lie on the table.

Mr. Pennington moved that the further consideration of the engrossed memorial from the senate, of the general assembly of the state of Indiana, on the subject of a cession of the unsold lands within her boundaries, be postponed until the first Monday in December next.

Which motion was carried in the affirmative.

A message was received from the governor, by Mr. Quarles, his private secretary, announcing that the governor did on this day approve and sign,

An act supplementary to an act to authorize the judges of the Montgomery circuit court to hold a special session, approved, December 17th, 1828.

Mr. Leviston, from the joint committee for enrolled bills, made the following report, to-wit:

Mr. Speaker,

The joint committee for enrolled bills, did on this day present to his Excellency the Governor, for his approval and signature the following enrolled bills entitled acts, viz:

An act supplemental to an act declaring Busseron creek a public highway, approved, January 21st, 1826.

An act to establish a state road from Mount Vernon, to the Wabash river, at Collins's ferry, in a direction to Vandalia, in the state of Illinois;

An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice, approved, January 20th, 1826.

An act to amend an act entitled an act authorizing domestic attachments, and to regulate proceedings thereon, approved, January 2d, 1824.

An act supplemental to an act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved February 9th, 1825.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, December 25, 1828.

The house met pursuant to adjournment.

David Robb, member from the county of Gibson, appeared and took his seat.

Mr. Worth presented a petition of sundry citizens of Allen county, praying an appropriation by law of a portion of the three per cent. fund, to open certain state roads leading from Fort-Wayne;

Which was read, and referred to the committee on roads.

Mr. Leviston presented a petition of Robert Swan, of Union county, praying remuneration for expenses incurred in apprehending and bringing to justice, David Cory, charged with committing a larceny in said county;

Which was read and referred to the committee on claims.

And then then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, December 26th, 1828.

The house met pursuant to adjournment.

Mr. Sweetser, from the judiciary committee, to whom was referred a resolution of this house on the subject of appointing one probate judge in each county, and sundry resolutions on the subject of amending the probate law, reported a bill to organize probate courts, and defining the powers and duties of executors and administrators;

Which was read the first time; and the rules of the house being dispensed with, the same was read a second time.

On motion of Mr. Judah,

The said bill was committed to a committee of the whole house, and made the order of the day for Wednesday next; and,

On motion of Mr. Judah,

Ordered, That one hundred copies of said bill be printed for the use of the members of this house.

Mr. Read presented a petition of sundry citizens of the town of Washington, in the county of Daviess,

praying the passage of an act to incorporate the said town.

Which was read and referred to a select committee of Messrs. Read, Judah and Lynd.

Mr. Bassett, from the committee on education, to whom was referred the communications from the trustees of the seminary fund for sundry counties, reported that they have had the same under consideration, and report:

That the seminary fund in Marion county, is	$187	75	
Randolph county is	90	62	1-2
Dearborn do.	907	26	
Bartholomew do.	82	00	
Franklin do.	436	16	
Jackson do.	137	27	1-2

They are of opinion that any further legislation on the subject at this time, would be unnecessary, and request to be discharged from the further consideration thereof.

The above report was read—the said committee from the further consideration thereof was discharged.

Mr. Lomax, from the committee on roads, to whom was referred the petition of George White and others, and George Kriss and others, reported a bill to establish a state road from Jeffersonville state road, on the west side of Silver creek to the lower falls of the Driftwood fork of White river.

Which was read the first time and passed to a second reading to-morrow.

Mr. Lomax, from the same committee to whom was referred the petition of James Brown and others, reported a bill to change a part of the Bethlehem state road.

Which was read the first time and passed to a second reading on to-morrow.

Mr. St. Clair, from the joint committee for enrolled

bills, reported—that the committee had compared the enrolled with the engrossed bill entitled,

An act to locate a state road from the Ohio line, by Abington and Waterloo, to Connersville.

And find the same truly enrolled:

When,

The speaker signed the said enrolled bill.

Ordered, That the clerk carry the same to the senate for the signature of their president.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing that the senate had passed a joint resolution of the state of Indiana; to which they desire the concurrence of this house.

The said joint resolution was read the first time, and passed to a second reading to-morrrow.

Mr. St. Clair, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bill entitled,

An act for the relief of the securities of Samuel Stanley, dec'd, late collector of the county of Jackson.

And find the same truly enrolled.

When,

The speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Judah moved to take up the joint resolution and proposed amendment, on the subject of the right which the state of Indiana has to the unappropriated lands within her boundary.

Which motion was carried in the affirmative.

Mr. St. Clair moved to reconsider the vote taken on Wednesday last, striking out said joint resolution from its resolving clause, and before coming to a decision on the motion of Mr. St. Clair, the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The house resumed the consideration of the motion of Mr. St. Clair, to reconsider the vote of Wednesday last, striking out from its resolving clause, the joint resolution relative to the right which the state of Indiana has to the unappropriated lands within her boundary.

And before coming to a decision on the above motion, the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, December 27, 1828.

The house met pursuant to adjournment.

Mr St. Clair, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bill entitled,

An act to incorporate the Eel river seminary society; and,

An act amending the several acts to incorporate the town of Madison;

And find the same truly enrolled.

The said acts were signed by the speaker.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Deming moved that the several orders of the day which precede the joint resolution of the state of Indiana from the senate, be for the present postponed, and that the same be now taken up and read the second time.

Which motion was carried in the affirmative.

The said joint resolution was then read the second

time and committted to the same committee of the whole house to whom was referred a joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state, shall be conveyed to the state of Ohio.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has passed an engrossed bill of the house of representatives entitled,

An act to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties, with one amendment, to which they desire the concurrence of this house.

The said engrossed bill with the amendment made by the senate, was read; and,

On motion of Mr. Sweetser,

The same was ordered to lie on the table.

Mr. Boon, from the committee on claims, made the following report, viz:

Mr. Speaker,

The committee on claims to whom was referred the petition of Robert Swann, have had the same under consideration, and have instructed me that in their opinion, he should be allowed fifteen dollars sixty-eight and three fourth cents, for money expended in taking and committing David Corey, a fugitive from justice, and they therefore recommend the adoption of the following resolution.

Resolved, That the committee of ways and means be, and they are hereby instructed to allow Robert Swann $15 68 3-4 in the specific appropriation bill.

The above report being read, the same was ordered to lie on the table.

Mr. Boon, from the same committee to whom was referred the engrossed bill from the Senate, entitled,

An act for the benefit of Samuel M'George, reported the same without amendment.

Mr. Craig moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Craig moved that said bill be committed to a committee of the whole house, and made the order of the day for Monday next.

Which motion was also decided in the negative.

Mr. Craig then moved that the further consideration of said bill be indefinitely postponed.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Craig, Dufour, Goodhue, Lemon, Marshall, M'Pheeters, Robb and Stewart—9.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Boon, Child, Crume, Deming, Dumont, Dunn, Elliott, Findley, Frisbie, Hendricks, Hillis, Judah, Kinnard, Levenworth, Leviston, Lomax, Long, Lynd, M'Intire, Morris, Moyer, Orr, Pabody, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Sample, Slaughter, St. Clair, St. John, Steele, Sweetser, Taylor, Trafton, Wallace, Welburn, Williams, Work, Worth, Young and Howk, speaker—47.

And so said motion was decided in the negative.

Said bill was then ordered to a third reading on Monday next.

Mr. Long presented the following resolution, viz:

Resolved, That the committee on roads be requested to enquire into the expediency of amending the road law, so as to authorize some surveyor to survey all county roads hereafter to be located, when the petitioners for such road shall require it.

Mr. Child moved to amend said resolution by adding at the end thereof the words following, viz: "at the cost and expense of such petitioners."

Which motion was carried in the affirmative.

Mr. Kinnard moved to lay said resolution on the table.

Which motion was decided in the negative.

And on the question to adopt said resolution, the same was decided in the negative.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am requested by his excellency, the governor, to inform the house of representatives that he did on the 25th inst. approve and sign—

An act supplemental to an act entitled an act appointing commissioners to relocate the seat of justice of Lawrence county, approved February 9th, 1825.

An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice, approved, January 20th, 1826.

An act to amend an act entitled an act authorizing domestic attachments, and to regulate proceedings thereon, approved, January 2d, 1824.

An act to establish a state road from Mount Vernon, to the Wabash river, at Collins's ferry, in a direction to Vandalia, in the state of Illinois.

An act supplemental to an act declaring Busseron creek a public highway, approved, January 21st, 1826.

All of which originated in the house of representatives.

Mr Moyer presented the following resolution, to wit:

Resolved, That the judiciary committee be directed to enquire into the expediency of memorializing

congress to authorize this state to sell the fee simple of the French Lick reserve, the same being unprofitable and a charge to the state.

The said resolution being read, Mr. Elliott moved to lay the same on the table.

Which motion was carried in the affirmative.

On motion of Mr. Pollock,

Resolved, That the adjutant general be directed to lay before this house the return of strength of the militia of this state, with their arms and accoutrements, as received by him in the past year, and tha he report defaults if any, in officers who may have neglected their duty as prescribed by law.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, DECEMBER 29, 1828.

The house met pursuant to adjournment.

Mr. Long presented a petition of Abram Elliott and others, citizens of Henry county, praying an alteration in part of the state road leading from Newcastle, in said county, to Lafayette, in Tippecanoe county; which was read and referred to the committee on roads.

Mr. Taylor presented a petition of Wm. Russell and others, citizens of Warren county, praying a relocation of the seat of justice of said county; which was read and referred to a select committee of Messrs. Taylor, Matlock and Deming.

Mr. Long presented a petition of William O. Ross and others, citizens of Hancock county, praying a removal of the public square in the town of Greenfield, the seat of justice of said county; which was

read and referred to a select committee, of Messrs. Long, Brown and Worth.

Mr. Goodhue presented a petition of James Carpenter and others, citizens of Scott county, praying authority to sell a part of the public square in the town of Lexington, in said county; which was read and referred to a select committee of Messrs. Goodhue Palmer and Work.

Mr. Child, from the committee on education, to whom was referred the communication of Richardson Terrill, made the following report, viz:

The committee on education, to whom was referred the communication of Richardson Terrill, respecting the portrait of General Lafayette, now in the senate chamber, have had the same under consideration, and have directed me to report: That they feel, in common with every American, the gratitude which is due to that distinguished patriot, the friend of civil and religious liberty; the bold and fearless defender of freedom and the rights of man—General Lafayette. But while they would gladly contribute their mite to perpetuate the memory of one whose fame will be coeval with time, they are sensible that the resources of the state, would not, at this time, warrant an appropriation for the purpose of purchasing objects not immediately necessary for public use. In coming to this conclusion, the committee are induced to say, that, from a desire also, to encurage native and meritorious artizans, they would cheerfully recommend to the house to make an appropriation for the above named purpose, were they not sensible, that under existing circumstances, a strict regard to economy in the use of the public funds, is the indispensable duty of the legislature.—The committee therefore believe that it is inexpedient at this time, to purchase the portrait.

Which report was read and concurred in by the house.

Mr. Lemon moved to take up the report of the committee on roads, relative to the petition of the trustees of the town of Utica.

Which motion was carried in the affirmative.

Said report was then referred to a select committee, of Messrs. Lemon, Stewart and Goodhue.

Mr. Levenworth presented the following resolution, viz:

Resolved, That the committee of ways and means be directed to report a bill to this house providing for refunding, out of the first available proceeds of the sales of the lands given for the construction of the Michigan road, all moneys which may have been, or shall be paid out of the state treasury in any manner, upon account of said road.

Mr. Hillis moved to lay said resolution on the table.

Which motion was decided in the negative.

And on the question to adopt said resolution, the same was carried in the affirmative.

On motion of Mr. St. Clair,

Resolved, That the judiciary committee be instructed to enquire into the expendiency of so amending the eighteenth section of the act subjecting real and personal estate to execution, approved January 30th, 2824, which regulates the manner of recovering money, &c. secured by mortgages, so that it may be lawful for the mortgagee to proceed to recover his debt secured by mortgage as soon as the same may become due, on all mortgages hereafter to be executed.

Mr. Boon moved that the several orders of the day which precede the joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d, of March 1827, shall be conveyed to the state of Ohio, and the engrossed resolution from the senate on the same subject, be for the present postponed.

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole on the said joint resolutions; and after some time spent therein, the speaker resumed the chair, and Mr. Dunn reported each of said joint resolutions with one amendment.

Which were read, and concurred in by the house.

Mr. Read moved to strike out so much of the joint resolution which originated in this house, as relates to the election of a commissioner by joint ballot of the two houses, and insert the name of John Law, as the commissioner, in lieu thereof.

Mr. Lemon then called for a division of the question; and the question being taken on striking out, the same was decided in the negative.

Mr. Juhah moved to lay the joint resolution of this house on the table.

Which motion was carried in the affirmative.

Mr. Sweetser moved that the joint resolution from the senate, be re-committed to a select committee, with instructions to amend the same so as to authorize the governor to appoint a commissioner to meet the commissioner, who may be appointed on the part of the state of Ohio, to confer an agree upon the propositions contained in said resolution.

Which motion was decided in the negative.

Mr. Dufour moved to amend said joint resolution by striking out the words following, viz—"Forthwith to proceed to the seat of government of the state of Ohio, and there with," and insert the following in lieu thereof, "to meet at such time and place as they (said commissioners) may agree upon."

Which motion was decided in the negative.

Mr. Palmer moved to amend the said joint resolution by adding at the end thereof the words following, viz—"That his excellency the governor be requested (as soon as possible) to transmit to the ex-

ecutive of the state of Ohio, a certified copy of this joint resolution."

Which motion was carried in the affirmative.

The amendments to said joint resolution of the senate, was then ordered to be engrossed and read a third time to-morrow.

The following message was received from the senate by Mr. Test, their assistant secretary.

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate have passed engrossed bills from the house of the following titles, to wit:

An act to re-locate part of a state road leading from the Ohio line by Winchester, to Indianapolis;

An act to change part of the state road from Rockport to Bloomington;

An act concerning the town of Fort-Wayne;

All of which bills passed without amendment.

The senate have also passed engrossed bills of the following titles, to wit:

An act to amend an act entitled, an act to amend an act to establish a state library, approved, 4th February, 1825; and,

An act to locate a state road from New-Castle to Crawfordsville;

In which two last mentioned bills, the concurrence of the house of representatives is requested.

The two last mentioned engrossed bills from the senate, were read the first time and ordered to a second reading to-morrow.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has adopted the following resolution, to wit:

Resolved, That the senate will (the house of rep-

resentatives consenting) meet the house in the hall of the house of representatives this day at 2 o'clock P. M. to elect a prosecuting attorney for each judicial circuit, and a president judge for the fifth judicial circuit; and that the house of representatives be informed of the adoption of this resolution.

On motion of Mr. Pennington,

Resolved, That this house reciprocate the resolution of the senate on the subject of going into the election of a circuit judge for the fifth judicial disirict and five prosecuting attorneys, one for each judicial district, and that they will meet the senate at two o'clock P. M. on this day in the hall of the house, for that purpose, and that seats will be provided for them on the right of the Speaker's chair.

The speaker then appointed Mr. Goodhue, teller on the part of the house.

Ordred, That the clerk inform the senate therof.

The house then resumed the consideration of the motion of Mr. St. Clair, to reconsider the vote heretofore taken on striking out from its resolving clause, the joint resolution relative to the right which this state has to the unappropriated lands within her boundary.

And before coming to a decision thereon, the house adjourned until 2 o'clock.

2 *o'clock*, *P. M.*

The house met pursuant to adjournment.

On motion of Mr. Lemon,

Resolved, That the senate be informed that the house of representatives is now ready to meet them in the hall of the house, to elect, by joint ballot, five prosecuting attorneys, and one circuit judge, in pursuance of the resolutions adopted by both houses on this day.

The senate then came down and took their seats on the right of the speaker's chair, and the president of the senate on the right of the speaker.

The two houses then proceeded by joint ballot, to the election of a president judge for the fifth judicial circuit; and on counting the ballots, it appeared that Bethuel F. Morris had received 70 votes for that office, scattering 7 votes.

Bethuel F. Morris having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected president judge of the fifth judicial circuit within the state of Indiana, for the term of seven years from and after the second day of January next.

The two houses then proceeded, by joint ballot, to the election of a prosecuting attorney for the 1st judicial circuit; and on counting the ballots, it appeared that John Law had received sixty-seven votes for that office. Scattering, ten votes.

John Law having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the first judicial circuit, for the term of two years from and after the 30th day of this month.

The two houses then proceeded, by joint ballot, to the election of a prosecuting attorney for the second judicial circuit; and on counting the ballots, it appeared that John Kingsbury had received 29 votes for that office; John H. Thompson 46 votes; scattering 3 votes.

John H. Thompson having received a majority of the whole number of votes given, was by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the 2d judicial circuit within the state

of Indiana, for the term of two years from and after the 30th day of this month.

The two houses then proceeded, by joint ballot, to the election of a prosecuting attorney for the third judicial circuit; and on counting the ballots, it appeared that Martin M. Ray had received 61 votes for that office; scattering 17 votes.

Martin M. Ray having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the third judicial circuit within the state of Indiana, for the term of two years from and after the 30th day of this month.

The two houses then proceeded, by joint ballot, to the election of a prosecuting attorney for the 4th judicial circuit; and on counting the ballots, it appeared that Charles I. Battell had received 57 votes for that office; scattering 21 votes.

Charles I. Battell having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the 4th judicial circuit within the state of Indiana, for the term of two years, from and after the 30th day of this month.

The two houses then proceeded, by joint ballot, to the election of a prosecuting attorney for the 5th judicial circuit; and on counting the ballots, it appeared that Wm. W. Wick had received 42 votes for that office; James Whitcomb 25 votes; Hiram Brown 10 votes; scattering one vote.

William W. Wick having received a majority of the whole number of votes given, was, by the president of the senate, in presence of both houses of the general assembly, declared duly elected prosecuting attorney for the 5th judicial circuit within the state

of Indiana, for the term of two years from and after the 30th day of this month.

The senate then retired to their chamber.

The house resumed the consideration of the motion of Mr. St. Clair, to reconsider the vote heretofore taken on striking out, from its resolving clause, the joint resolution relative to the right which the state of Indiana has to the unappropriated lands within her boundaries.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Elliott, Frisbie, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Read, Ritchey, Robb, Slaughter, St. Clair, St. John, Steele, Stewart, Welburn, Williams, Worth and Young—35.

And those who voted in the negative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Finley, Morris, Orr, Pabody, Palmer, Pollock, Sample, Sweetser, Taylor, Trafton, Wallace, Work and Howk, speaker—21.

And so said motion was carried in the affirmative.

Mr. Lomax then renewed his motion to amend the amendment proposed by Mr. Sample, by striking out the words following, viz: "said purchase or purchases to be at the expense of this state."

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Sample to strike out said joint resolution from its resolving clause.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Finley Morris, Orr, Pabody, Palmer, Pollock, Read, Sample, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Howk, Speaker—23.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Elliott, Frisbie, Goodhue, Hendricks, Hillis, Judah Kinuard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Ritchey, Robb, Slaughter, St. Clair, St. John, Steele, Stewart, Welburn, Williams and Young—34.

And so said motion was decided in the negative.

Mr. Robb moved to amend said joint resolution by striking out the first paragraph thereof, which read in the words following, to wit:

"That the state being a sovereign free and independent state, has the exclusive right to the soil and eminent domain, of all the unappropriated lands within her acknowledged boundaries, which right was reserved to her by the state of Virginia in the deed of cession of the north western territory to the United States, being confirmed and established by the articles of confederacy and the constitution of the United States."

And inserting in lieu thereof, the words following, to wit:

"That inasmuch as it is believed by many of the citizens of this state, that the state of Indiana is legally entitled to the soil and eminent domain of all the unappropriated lands within her acknowledged boundaries, the attention of congress to this important subject is hereby earnestly and respectfully solicited, confidently trusting, that it will, by that

honorable body, be fully, fairly and impartially investigated, at as early a period as possible."

And before coming to a decision on said motion the house adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, December 30, 1828.

The house met pursuant to adjournment.

Mr. Goodhue presented a petition of Henry Burch and others, citizens of Jefferson and Scott counties, praying an alteration in the boundary line between said counties, which was read and referred to a select committee of Messrs. Goodhue, Palmer, Hillis, Lemon and Child.

Mr. Long presented a petition of Samuel Grigsby and others, citizens of Madison county, praying to vacate that part of the state road leading from Winchester to Indianapolis, as lies between the 51st and 53d mile post, and to locate the same through Anderson town in said county of Madison.

Which was read and referred to the committee on roads.

Mr. Child, from the committee on education, to whom was referred a resolution of this house, requiring an inquiry into the propriety of passing a law to prevent lands which are, or may be mortgaged to the loan office from being sold for taxes, and thereby lost to said office, reported a bill amendatory to an act to authorize the loaning of the seminary funds.

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house, and made the order of the day for to-morrow.

Mr. Lomax, from the committee on roads, to whom was referred the petition of J. G. Thompson and others, of Allen county, praying an appropriation of part of the three per cent. fund to aid said county to open and repair a state road therein named, reported a bill providing for the opening of a state road in the county of Allen.

Which was read the first time, and passed to a second reading to-morrow.

Mr. Leviston presented the following resolution, viz:

Resolved, That the committee of ways and means be instructed to report a bill defining the duties of assessors, so as to make it their duty to assess the lands in their respective counties, as near as may be in equal quantities of 1st, 2nd, and 3rd rate land, agreeable to the comparative quality of the land in the county, taking into consideration its local advantages, as well as the goodness of the soil.

Which was decided in the negative.

On motion of Mr. Read,

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a general law on the subject of state roads, so as to prevent hereafter such numerous applications to the legislature on that subject.

On motion of Mr. Sample,

Resolved, That the secretary of state, be requested to lay before this house, a statement of the num- of maps of the several states of the Union, that have been presented to this state by other states, and by what states the same were presented.

The house then resumed the consideration of the motion of Mr. Robb, to amend the joint resolution relative to the right which the state of Indiana has to he unappropriated lands within her boundary, by striking out the first paragraph, and inserting certain words in lieu thereof.

And a division of the question being called for by Mr. Pennington, the question was taken on striking out the first paragraph in said joint resolution.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Finley, Frisbie, Morris, Orr, Pabody, Palmer, Pollock, Read, Robb, Sample, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Howk, Speaker—25.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Ritchey, Slaughter, St. Clair, St. John, Steele, Stewart, Welburn, Williams and Young—31.

And so the house refused to strike out said paraagraph.

Mr. Dunn moved to amend said joint resolution by adding at the end thereof, the words following, to wit:

Be it further resolved by the general assembly of the state of Indiana, That our senators and representatives in congress be, and they are hereby requested, should the United States refuse to accede to the demand in the foregoing resolutions contained, to solicit from the congress of the United States, a donation of land for the purpose of connecting the navigable waters of the Illinois river with the proposed Wabash and Miami canal. That they also solicit donations of land for the purpose of removing obstruc-

tions in, and improving the navigation of the Wabash river, from its mouth to the termination of the proposed canal at Tippecanoe; and also, for the improving the navigation of the two White rivers, and for the construction of a turnpike road from Fort Wayne to Lawrenceburgh on the Ohio river.

The said amendment being read, and debate arising thereon.

Mr. Marshall called for the previous question, and the call being seconded by Messrs. Boon and Lemon, the said previous question was put in the form prescribed by the rules of the house, that is to say, Shall the main question be now put?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Dumont, Elliott, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Ritchey, Robb, Slaughter, St. Clair, Steele, Stewart, Welburn, Williams and Young —33.

And those who voted in the negative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dunn, Finley, Frisbie, Morris, Orr, Pabody, Palmer, Pollock, Read, Sample, St. John, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Howk, sp'r—24.

And it passed in the affirmative.

The said main question, viz: Shall said joint resolution be engrossed and read the third time? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Elliott, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Ritchey, Robb, Slaughter, St.-Clair, St. John, Steele, Stewart, Welburn, Williams and Young—34.

And those who voted in the negative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Finley Morris, Orr, Pabody, Palmer, Pollock, Read, Sample, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Howk, Speaker—23.

Said question passed in the affirmative, and tomorrow was assigned for the third reading of said joint resolution.

Mr. Craig, after having obtained leave, presented a joint resolution to revoke the joint resolution of this general assembly, approved, December 17th, 1828, on the subject of the reserved lands of the United States, contiguous to the Wabash and Miami Canal.

Which was read the first time; when,

Mr. Pennington moved to reject the same.

Which motion was carried in the affirmative.

The Speaker laid before the house the following communication from the governor.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, (IA.) Dec'r 30, 1828.

Hon. Speaker of the
House of Representatives—

SIR, I have the honor to lay before the house of representatives the enclosed documents, which came

into my hands, as is supposed, under the presumption, that there was a contingent fund yet unexpended, out of which, the claims of the several persons, summoned to give attendance on the trial of Col. Wm. H. Hinton, and whose names are herewith transmitted to the house of representatives, might be paid. But, it can only be necessary for me to repeat to your honorable body, to induce you to afford them that justice which is intended should be awarded to them, by the 84th section of the militia law of 1824, that there is no contingent fund in the treasury of the last years limited appropriation, to cover the said claims. The propriety of making such an allowance, as will compensate the several persons aforesaid, whose services have been demanded by the authority of our law, is respectfully submitted.

Respectfully your most
obedient servant,

J. BROWN RAY.

Which was read and referred to the committee on claims.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

Mr. Boon moved that the several orders of the day which precede the engrossed bill from the senate, for the benefit of Samuel M'George, be for the present postponed, and that the same be now taken up.

Which motion was carried in the affirmative.

Said bill was then read the third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate, entitled an

act for reviewing and laying out a state road from Bono via Bedford to Terre-Haute, was read the second time and passed to a third reading to-morrow.

The bill to establish a state road from Greencastle to the state line in the direction to Springfield in the state of Illinois.

The bill to re-locate part of the state road from Vincennes to Spencer; and,

The bill authorizing the surveying and marking the boundary line between the counties of Clark and Scott, were severally read the second time and ordered to be engrossed and read the third time to-morrow.

The bill to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein;

The bill to establish the office of commissioner of public buildings and for other purposes;

The bill to change part of the Bethlehem state road; and,

The bill to establish a state road from the Jeffersonville state road, on the west side of Silver creek to the lower falls of the Drift-wood fork White river, were severally read the second time and committed to a committee of the whole house to-morrow.

The bill for the formation of judicial circuits and fixing the times of holding courts therein, was read the second time and committed to the same committee of whole house to whom was committed the bill to amend the act of the same title.

The bill to amend the act regulating the jurisdiction and duties of justices of the peace, approved, January 30th, 1824, was read the second time and committed to the same committee of the whole house to which is committed the engrossed bill from the senate, on the subject of appeals in cases of the trial of the right of property,

The engrossed bill from the senate entitled an act to amend the several acts establishing a state library; and,

The engrossed bill from the senate entitled an act to establish a state road from New-Castle to Crawfordsville, were severally read the second time and passed to a third reading to-morrow.

Engrossed bills from the senate of the following titles, were read the third time and passed without amendment, viz:

An act to vacate the town of Owensville;

An act supplementary to the act for the relief of insolvent debtors, approved, January 18th, 1824; and,

An act to incorporate the Hanover Academy.

Ordered, That the clerk inform the senate thereof.

The engrossed joint resolution of the state of Indiana, from the senate, was read the third time as amended, and passed.

On motion of Mr. Judah,

The title thereof was amended so as to read "a joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d March 1827, shall be conveyed to the state of Ohio.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

The engrossed bill to authorize the board of justices of Bartholomew county to levy an additional tax, was read the third time and passed.

Ordered, That the same be entitled An act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The house resolved itself into a committee of the whole on the bill to encourage the improvement of the breed of certain animals therein named; and after some time spent therein, the speaker resumed

the chair, and Mr. Elliott reported the same without amendment.

Mr. Lemon moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Brown then moved that the further consideration of said bill be indefinitely postponed.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Brown, Child, Deming, Dunn, Elliott, Lomax, Long, Lynd, Matlock, M'Pheeters, Moyer, Orr, Pabody, Palmer, Read, Ritchey, Robb, Sample, St. Clair, Steele, Stewart, Trafton, Welburn and Williams—28.

And those who voted in the negative are,

Messrs. Boon, Craig, Crume, Dufour, Dumont, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Marshall, M'Intire, Morris, Pennington, Slaughter, St. John, Sweetser, Taylor, Wallace, Worth, Young and Howk, Speaker—27.

And so said motion was carried in the affirmative.

The following message was received from the senate by Mr. Test, their assistant secretary.

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed an engrossed bill from the house of representatives entitled—

An act allowing additional compensation to Austin Bishop and Robert Culbertson, for extra work done upon the Governor's house, with one amendment; in which the concurrence of the house of representatives is requested.

The amendment proposed by the senate to the bill of this house allowing additional compensation to Austin Bishop and Robert Culbertson for extra work done on the governor's house, was read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to-wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills entitled acts, to wit:

An act to change a part of the state road from Rockport to Bloomington;

An act to re-locate part of a state road leading from the Ohio line by Winchester, to Indianapolis; And,

An act concerning the town of Fort-Wayne;

And find the same truly enrolled.

Whereupon,

The speaker signed said enrolled bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 31, 1828.

The house met pursuant to adjournment.

Mr. Mershall, from the joint committee for enrolled bills, made the following report:

Mr. Speaker,

The joint committee for enrolled bills report, that they have compared the enrolled with the engrossed bill entitled—

An act allowing an additional compensation to Austin Bishop and Robert Culbertson, for extra work done upon the governor's house.

And find the same truly enrolled:

When,

The speaker signed the said bill.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Long presented a remonstrance of sundry citizens of Hancock county, against removing the public square in the town of Greenfield, the seat of justice of said county; which was read and referred to the same committee to which was referred the petition on the same subject.

Mr. Long moved to take up the petition of sundry citizens of Henry county, praying to be attached to the county of Wayne.

Which motion was carried in the affirmative.

Mr. Long then moved to postpone the further consideration of said petition until the 1st Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Brown, Craig, Hendricks, Judah, Kinnard, Levenworth, Leviston, Long, Lynd, Matlock, Morris, Orr, Palmer, Slaughter, St. John, Welburn, Work and Worth—21.

And those who voted in the negative are,

Messrs. Blair, Boon, Child, Crume, Deming, Dufour, Elliott, Finley, Frisbie, Goodhue. Hillis, Lomax, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Pennington, Read, Robb, Sample, St. Clair, Steele, Stewart, Sweetser. Taylor, Wallace, Williams, Young and Howk, speaker—30.

And so said motion was decided in the negative.

And said petition was then referred to a select committee of Messrs. Marshall, M'Pheeters and Moyer.

Mr. Palmer presented a petition of Victor King and others, citizens of Jefferson county, praying a change in the present mode of doing county business; which was read and referred to a select committee of Messrs. Palmer, Hillis, Sweetser and Work.

Mr. Hillis, from the committee of ways and means, to whom was referred a resolution of this house, instructing them to report a bill to provide for refunding, out of the first available proceeds of the sales of lands given for the construction of the Michigan road, all monies which may have been or shall be paid out of the state treasury in any manner upon account of said road, reported a bill concerning monies expended on account of the Michigan road.

Which was read the first time and passed to a second reading to-morrow.

Mr. Robb moved to take up the report of the committee of ways and means, on the subject of the ad valorem system of taxation, which reads in the words following, viz:

The committee of ways and means, to whom was referred a resolution instructing them to enquire into the expediency of reporting a bill to this house providing for an ad valorem system of taxation, have had that subject under consideration, and report—that it is inexpedient to legislate on that subject at this time.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Child, Craig, Deming, Dufour, Dumont, Dunn, Frisbie, Goodhue, Hendricks, Judah, Kinnard, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters,

Moyer, Orr, Read, Ritchie, Robb, St. John, Sweetser, Taylor, Trafton, Welburn, Worth, and Young—33.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Crume, Elliott, Finley, Hillis, Lemon, Levenworth, Leviston, Lomax, Pabody, Palmer, Pennington, Pollock, Sample, Slaughter, St. Clair, Steele, Stewart, Wallace, Williams, Work and Howk, Speaker—24.

And so said motion was carried in the affirmative.

Mr. Boon then moved to recommit said report to a select committee, with instructions to report a bill providing for a prospective revenue upon the ad valorem system.

Which motion was carried in the affirmative.

The speaker then appointed Messrs. Boon, Robb, Dunn, Child and Read said committee.

On motion of Mr. Judah,

Mr. Robb was excused from serving on the committee of ways and means.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am instructed by his excellency, the governor, to inform the house of representatives that he did on this day approve and sign—

An act allowing an additional compensation to Austin Bishop and Robert Culbertson, for extra work done upon the governor's house.

Which originated in the house of representatives.

The Speaker laid before the house the following communication from the secretary of state, viz:

Office of the Secretary of State,
December 31st, 1828.

To the Hon. the Speaker of
the House of Representatives:

The undersigned, in obedience to a resolution of

the house of representatives, handed him this day, reports, that when he first took charge of this office, there were therein two maps—one of Ohio, the other of South Carolina, which he presumes were donated to this state by said states respectively; he having been informed so by Mr. Hendricks, late governor of this state.

No other maps of states have been donated to this state, by any sister state, or otherwise.

The undersigned has the honor, &c.

Wm. W. WICK.

The above communication was read and referred to the same committee of the whole house to whom was referred the joint resolution on the subject of purchasing maps of the state of Indiana, published by John Scott.

Mr. Sweetser, from the judiciary committee, made the following report, viz:

1. The committee on the judiciary, to whom was referred a resolution of this house relative to vesting the right of estrays in the taker up after one year, have had the same under consideration, and have directed me to report, that in their opinion it is inexpedient to change the law on that subject.

2. They have also had under consideration, the resolution relative to the return of votes for governor, lieutenant governor and members of congress, and have directed me to report, that it is inexpedient to pass any additional law on that subject.

3. They have also had under their consideration, the resolution relative to mortgages, and deem it inexpedient to change the law on that subject.

4. They have also had under their consideration, the resolution relative to a general law for the location of state roads, and have directed me to report, that they know of no measure, which if adopted,

would prevent frequent applications to the legislature for the location of roads.

The first, second and third propositions in the above report, were read and ordered to lie on the table; the fourth was concurred in by the house.

Mr. Lomax from the committee on roads to whom was referred the petition of Abram Elliott and others, reported a bill to re-locate part of the state road from Newcastle to Lafayette.

Which was read the first time and passed to a second reading to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to-wit:

Mr. Speaker,

The joint committee for enrolled bills have compared the enrolled with the engrossed bills entitled,

An act to vacate the town of Owensville;

An act for the benefit of Samuel M'George;

An act supplemental to the act for the relief of insolvent debtors, approved, January 28th, 1824;

And find the same truly enrolled:

When,

The speaker signed the said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Dumont from the select committee to whom was referred that part of the governor's message which relates to agricultural societies, reported a bill to provide for the incorporation of agricultural societies.

Which bill was read the first and second times, the rules of the house having been first dispensed with, and committed to a committee of the whole house to-morrow.

Mr. Kinnard presented a remonstrance of Jacob Landis and others, citizens of Indianapolis, against converting the governors house into a state house, which was read and referred to the same committee of the whole house to which is referred the bill on that subject.

On motion of Mr. Morris.

Resolved, That his excellency the governor, be requested to lay before this house the correspondence, if any, between him and the governor of the state of Ohio, on the subject of connecting the waters of the Wabash river with those of Lake Erie, in conformity to the joint resolution of the general assembly, approved, January 24, 1828.

Mr. St. Clair from the joint committee for enrolled bills made the folling report, viz:

M.r Speaker,

The joint committee for enrolled bills, did on this day present to his Excellency the Governor, for his approval and signature the following enrolled bills entitled acts, viz:

An act to incorporate the Eel river seminary society;

An act amending the several acts to incorporate the town of Madison;

An act allowing additional compensation to Austin Bishop and Robert Culbertson, for extra work done upon the Governor's house.

Mr. Goodhue, from the select committee to whom was referred the petition of James Carpenter and others, citizens of Scott county, reported a bill to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington.

Which was read the first time, and ordered to a second reading.

Mr. Read, from the select committee to whom was referred the petition of sundry citizens of the town of Washington in the county of Daviess, reported a bill to incorporate said town.

Which was read the first time and passed to a second reading to-morrow.

Mr. Levenworth presented the following resolu-to-wit:

Resolved, That his excellency the governor, be respectfully requested to report to this house the number of stands of public arms distributed in this state, the different description of arms, in what divisions distributed, and by what rule the distributions are regulated in the various divisions, in what regiments those arms are at present.

Which being read,

Mr. Deming moved to lay the same on the table.

Which motion was decided in the negative.

The said resolution was then adopted by the house.

Mr. Bassett moved to take up the engrossed joint resolution of the general assembly of the state of Indiana, on the subject of the public lands, which said joint resolution, at the request of Mr. Wallace, was ordered to be spread on the journals, and reads in the words following, to wit:

Resolved by the general assembly of the state of Indiana, That our senators be instructed, and our representatives in congress requested, to procure if practicable, the passage of a law by the general government, which will insure the sale or disposal of all the unsold lands in this state, which have been in market since the formation of the state government, on the following conditions, to wit:

1st. That the lands be sold in such regular subdivisions as will best suit purchasers, at any price

they will bring, not less than twenty-five cents per acre.

Secondly. That all the land which shall remain unsold at the expiration of two years after it shall have been in market as aforesaid, to be donated to actual settlers, but no donation to exceed one quarter section to any one person.

Resolved, That his excellency the governor, be directed to furnish each of our senators and representatives in congress with a copy of the following resolution.

And the ayes and noes being required on the question to take up said joint resolution.

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Finley, Matlock, Morris, Orr, Pabody, Palmer, Pollock, Read, Sample, St. John, Sweetser, Taylor, Trafton, Wallace, Work, Wórth, and Howk, Speaker—25.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Elliott, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Ritchey, Robb, Slaughter, St. Clair, Steele, Stewart, Welburn, Williams and Young—32.

And so said motion was decided in the negative.

Mr. Sweetser moved to postpone the several orders of the day which precede the engrossed joint resolution on the subject of the right which the state of Indiana has to the unappropriated lands within her boundaries, and that said joint resolution be now taken up.

Which motion was carried in the affirmative.

The said joint resolution was then read the third time.

Mr. Craig moved to re-commit said joint resolution to a select committee, with instructions so to amend the same, as to request our senators and representatives in congress, (in case the general government should refuse to accede to the declaration in the foregoing resolutions) to solicit from the congress of the United States, a donation of lands for the purpose of connecting the navigable waters of the Illinois river, with the proposed Wabash and Miami canal. That they also solicit donations of land, for the purpose of removing obstructions in, and improving the navigation of the Wabash river, from its mouth to the termination of the proposed canal at the mouth of the Tippecanoe; and also, for improving the navigation of the east and west branches of White river, and for the construction of a turnpike road from Fort Wayne to Lawrenceburgh on the Ohio river—and that they likewise respectfully urge upon congress, the propriety of ceeding to this state, such quantity of land, for the use of schools, as will enable this state to establish a system of free schools, which will enable the youth of our country, poor as well as rich, to attain that education, which is so essential to their own welfare, and the prosperity of the state.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Brown, Craig, Crume, Deming, Dumont, Dunn, Finley, Morris, Orr, Pabody, Palmer, Pollock, Read, Sample, St. John, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Howk, speaker—24.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Child, Dufour, Elliott, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Ritchey, Robb, Slaughter, St. Clair, Steele, Stewart, Welburn, Williams and Young—33.

And so said motion was decided in the negative.

And on the question being put, Shall said joint resolution pass?

The same was carried in the affirmative.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The following message was received from the senate by Mr. Test, their assistant secretary.

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has concurred in the amendments of the house of representatives to the engrossed joint resolution, entitled,

A joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d March 1827, shall be conveyed to the state of Ohio; with two amendments thereto, in which the concurrence of the house of representatives is requested.

The senate has also passed engrossed bills of the following titles, to wit:

An act to amend the act regulating estrays, and water crafts going adrift; and,

An act to establish a state road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river; in which the concurrence of the house of representatives is also requested.

The engrossed bill from the senate, entitled, an act to establish a state road from Lake Michigan by

way of Indianapolis, to some convenient point on the Ohio river, was read the first time; when,

Mr. Lemon moved that the rules of this house be dispensed with, and that the same be read a second time now.

Which motion was decided in the negative.

Said bill passed to a second reading to-morrow.

The engrossed bill from the senate, entitled, An act to amend the act regulating estrays and water crafts going adrift, was read the first time and passed to a second reading to-morrow.

The house then concurred in the amendments proposed by the senate to the amendments made by the house to the engrossed joint resolution from the senate, appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d of March 1827, shall be conveyed to the state of Ohio.

Ordered, That the clerk inform the senate thereof.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has passed an engrossed bill, entitled,

An act for the apportionment of senators and representatives in the counties and territory therein named.

In which the concurrence of the house of representatives is requested.

The said engrossed bill from the senate was then read the first time.

Mr. Matlock moved to dispense with the rules of the house, and that said bill be read a second time now.

Which motion was decided in the negative.

Said bill passed to a second reading to-morrow.

Mr. Deming moved to take up the engrossed bill

relative to navigable streams declared highways by the ordinance of 1787, with the amendment proposed thereto by the senate.

Which motion was carried in the affirmative. and,

On motoin of Mr. Judah,

Said bill with the proposed amendments were recommitted to a select committee of Messrs. Judah, Deming and Robb.

Mr. Deming presented a joint resolution relative to a part of the three per cent. fund.

Which was read the first time and passed to a second reading to-morrow.

Mr. St. Clair moved to take up the engrossed bill to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties, and the amendment proposed thereto by the senate.

Which motion was carried in the affirmative.

On motion of Mr. St. Clair,

Said bill with the proposed amendments thereto, were re-committed to a select committee of Messrs. St. Clair, Palmer and Dumont.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, January 1st, 1829.

The house met pursuant to adjournment.

Mr. St. Clair presented a petition of Mark M'Cracken and others, citizens of Dearborn county, praying a sale of the school section in township No. six, of range No. two west, in said county, which was read and referred to the same committee of the whole

house, to whom was referred a bill to authorize the sale of the school lands, and for other purposes.

Mr. Long presented a petition of William Wilson and others, citizens of Shelby, Hancock and Madison counties, praying the location of a state road from the town of Shelbyville in Shelby county, to Andersontown in Madison county, by way of Greenfield in Hancock county, which was read and referred to the same committee of the whole house to whom was referred a bill to establish a state road from Shelbyville via Marion in the county of Shelby via Greenfield in the county of Hancock to Andersontown in Madison county.

Mr. Kinnard, from the select committee to whom was referred, a resolution of this house on that subject, reported a bill appointing commissioners to select and survey the lands granted to the state of Indiana, by the late treaty between the United States and the Potawotamie tribe of Indians, for the construction of a road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river.

Which was read the first time and passed to a second reading to-morrow.

Mr. Palmer, from the select committee to whom was referred the petition of Victor King and others, citizens of Jefferson county, praying a change in the mode of doing county business, reported, that they have had the same under consideration and directed him to recommend that said petition be referred to the same committe of the whole house to which is referred the bill to change the mode of doing county business in the county of Wayne.

Which report was read and concurred in by the house.

M. Read presented the following resolution, viz:

Resolved, The the committee of ways and means be instructed to report a bill to this house, as soon

as convenient, allowing compensation to the commissioners, surveyors and other hands employed in locating the road from Lake Michigan to Indianapolis.

Mr. Pennington moved to lay the same on the table.

Which motion was decided in the negative.

And the question being put to adopt said resolution.

The same was carried in the affirmative.

Mr. Bassett presented the following resolution, viz:

Resolved, That the judiciary committee be instructed to enquire into the expediency of laying off that part of this state, which is not at this time included within the limits of any of the organized counties, into such number of counties, that each shall not contain a less quantity of territory than thirty-five miles square, and report by bill or otherwise.

Mr. Levenworth moved to amend said resolution by striking out the words "thirty-five" and insert the word "twenty."

Which motion was carried in the affirmative.

Mr. Sweetser moved to amend the said resolution by striking out the words "judiciary committee" and insert the "committee on education."

Which motion was carried in the affirmative.

And the question being put to adopt said resolution as amended.

The same was carried in the affirmative.

Mr. Morris moved to dispense with the several orders of the day which precede the bill to fix the times of holding courts in the 5th judicial circuit.

Which motion was decided in the negative.

The bill providing for the opening of a state road in the county of Allen, was read a second time.

Mr. Lemon moved to re-commit said bill to a com-

mittee of the whole house, and make it the order of the day for to-morrow.

Which motion was decided in the negative.

Mr. Lomax moved to strike out the words "two hundred and fifty," in the third section of the bill, and insert "one hundred" in lieu thereof.

Which motion was decided in the negative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the senate, entitled, an act to establish a state road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river, was read a second time; when,

Mr. Pennington moved that said bill be committed to a committee of the whole house, and made the order of the day for to-morrow.

Which motion was decided in the negative.

Mr. Sweetser moved to amend said bill in the 1st section thereof, by striking out the words following, viz: "Along in and upon the state road through the towns of Shelbyville and Greensburgh."

And the ayes and noes being required on the question to take up said joint resolution.

Those who voted in the affirmative are,

Messrs. Blair, Boon, Child, Crume, Deming, Elliott, Finley, Frisbie, Goodhue, Hillis, Judah, Lemon, Levenworth, Leviston, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Read, Ritchey, Robb, Slaughter, Stewart, Sweetser, Trafton, Williams, Work, Worth, Young and Howk, Speaker—35.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Brown, Craig, Dufour, Dumont, Dunn, Hendricks, Kinnard, Lomax,

Long, Morris, Orr, Pollock, Riley, Sample, St. Clair, St. John, Steele, Taylor, Wallace and Welburn—23.

And so said motion was carried in the affirmative.

Mr. Palmer moved to fill up the blank in the first section of said bill, by inserting after the words "Madison in Jefferson county on the Ohio river," the words following, viz: "By way of Columbus in the county of Bartholomew on the present state road."

And before coming to a decision thereon, the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Levenworth then moved that this house adjourn until to-morrow morning 9 o'clock.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bell, Boon, Brown, Craig, Deming, Dunn, Finley, Frisbie, Hillis, Lemon, Levenworth, Long, Matlock, Marshall, M'Intire, Pabody, Pollock, Ritchey, Sample, St. Clair, Stewart, Sweetser, Trafton, Wallace, Work, Worth and Howk, Speaker —27.

And those who voted in the negative are,

Messrs. Blair, Child, Crume, Dumont, Elliott, Goodhue, Hendricks, Judah, Kinnard, Leviston, Lynd, Morris, M'Pheeters, Moyer, Orr, Palmer, Pennington, Robb, Slaughter, St. John, Welburn and Williams—22.

Which motion was carried in the affirmative.

And the house accordingly adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 2, 1829.

The house met pursuant to adjournment.

Mr. Marshall, from the joint committee for enrolled bills, reported, that they have this day compared the enrolled with the engrossed bill entitled—

An act to incorporate Hanover Academy.

And find the same truly enrolled:

When,

The speaker signed said bill.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Read presented a petition of William Eaton and others, of Martin county, praying an appropriation of a portion of the three per cent. fund, for the purpose of clearing out Indian creek from where the Martin county line crosses the same, to its mouth; which was read and referred to a select committee of Messrs. Read, Young and Ritchey.

Mr. Long presented a petition of Hiram Dayton and others, citizens of Hancock county, praying a relocation of part of the Centreville state road which passes through the town of Greenfield, in said county; which was read and referred to a select committee of Messrs. Long, Brown and Leviston.

Mr. Young presented a petition of Benjamin Stafford and others, citizens of Knox and Greene counties, praying an appropriation of a part of the three per cent. fund, for clearing out Black creek from the bridge on the Carlisle and Vincennes road, to its mouth; which was read and referred to a select committee of Messrs. Read, Young and Ritchey.

Mr. Deming presented a petition of Doroas M'Henry, praying to be divorced from her husband, Samuel G. M'Henry; which was read and referred to the committee on propositions and grievances.

Mr. St. Clair, from the select committee, to whom was referred the bill to authorize county surveyors to obtain field notes of the original corners, of lands in their respective counties with the amendments proposed thereto by the senate, reported the amendments of the senate, with three amendments; which were read and concurred in by the house; and said amendments were then ordered to be engrossed and read a third time to-morrow.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has passed an engrossed bill, entitled,

An act in addition to an act entitled an act authorizing the laying off certain roads, and appropriating $100,000 of the 3 per cent. fund for opening the same, and the several acts amendatory thereto.

In which the concurrence of the house of representatives is requested.

The above named bill was read the first time and ordered to a second reading to-morrow.

Mr. Dufour presented the following resolution, viz:

Resolved, That the committee on the judiciary be directed to enquire into the expediency of appointing some suitable person or persons to prepare and report to the general assembly at the beginning of their next session, a plain, simple and uniform system of doing county business in all the counties within this state, with leave to report by bill or otherwise.

And on the question being put to adopt said resolution.

The same was decided in the negative.

On motion of Mr. Trafton,

Resolved, That a committee be appointed to en-

quire whether an alteration of so much of the road law as relates to the road leading from Fredonia to the mouth of the Wabash, be necessary, for the purpose of carrying into effect the building certain bridges therein named, with leave to report by bill or otherwise; when,

The speaker appointed as that committee, Messieurs Trafton, Welburn and Frisbie.

On motion of Mr. Riley,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the revenue act, approved January 20th, 1824, as to allow further time to feme coverts, minors and insane persons, for the redemption of lands sold for taxes.

Mr. Dufour, after having obtained leave, presented a bill to promote the raising of sheep.

Which was read the first and second times, the rules of the house having first been dispensed with, on motion of Mr. Worth.

Mr. Boon moved to postpone the further consideration of said bill indefinitely.

Mr. Lemon then moved to lay the same on the table.

Which motion was carried in the affirmative.

The speaker laid before the house the following communication from the governor, with accompanying documents, viz:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, (IA.) Jan. 1st, 1829.

Hon. Speaker of the
House of Representatives—

SIR:—In answer to a resolution of the house of representatives, requesting the governor to report to that house, the number of stand of public arms distributed in this state, the different description of arms, in what divisions distributed, and by what

rule the distributions are regulated in the various divisions, and in what regiments those arms are at present; the inclosed communications of the Quarter-Master General, marked A, B and C, are herewith respectfully submitted. These reports exhibit all the receipts of public arms, &c., in this state, the manner and place of their distribution, and the number and description of the same, *officially* known at the proper department. It is proper here to remark, that in several of the returns of the Major Generals, they have not been explicit in certifying, that their returns present *all* the public arms in their several divisions, which have been received there. *since* the state government, as the act of the last session requires. This want of fullness in these returns, may make it necessary, for the Quarter-Master General, again to address the commandents of divisions on the subject.

The *rule* by which, it is probable, the executive will be governed in future, in the distribution of the public arms in Indiana, will be, to give to each division a fair proportion of the same, having respect at the same time, to a correct organization of the militia, and population.

Respectfully submitted,

J. BROWN RAY.

Quarter-Master General's office, Nov. 22, 1828.

The Quarter-Master General, in submitting this, his annual report, presumes it will be proper to recapitulate substantially his last report, that the public affairs in relation to arms received from the United States, may be presented in one view.

The last annual report stated, that Captain William S. Bussell of Rushville, within the 6th brigade, had received public arms on the day of January 1826, to wit:

150 horsemans pistols, 75 cavalry sabres, 75 sabre belts and plates.

That Captain Samuel Starkweather, of the rifle company in the 22d regiment, had received on the 24th April 1826, public arms, to wit:

20 rifles complete, each including 20 bullet moulds, 20 screw drivers, 20 wipers, 20 chargers, 2 ball screws and 2 spring vises.

That Capt. John W. Lee, commanding the cavalry company in the 20th regiment, had received on the 30th July, 1826, public arms, to wit:

100 horsemans pistols, 50 cavalry sabres, 50 sabre belts, 50 sabre plates.

That J. P. Drake, Brig. Gen. commanding the 12th brigade, had received on the 18th April 1826, for the use of said brigade, public arms, to wit:

60 muskets, 60 screw drivers, 60 wipers, 6 spring vises, 6 ball screws, 20 extra flint cups, 60 cartouch boxes and belts, 60 bayonets, scabbards and belts, and 60 breastplates.

That Bethuel F. Morris, captain commanding the artillery company in the 40th regiment, had received on 19th June 1827, public arms, to wit:

1 six pounder iron cannon, mounted on travelling carriage, with limber and ammunition boxes and trail handspikes complete, 1 tompion and collar, 1 sponge and rammer, 2 implement straps, 1 gunners belt complete, 2 gunners haversacks, 1 linstock, 1 portfire stock, 1 portfire case and strap, 1 powder horn and strap, 1 tube box and strap, and 8 bridles, 50 artillery swords, 50 sword belts.

That on the 1st day of December 1827, Maj. Gen. John I. Neely, commanding the 1st division, had reported in compliance with orders issued from this office, that there were in said division, which had not previously been accounted for to this office, public arms, to wit:

118 muskets, 95 bayonets and belts, 95 cartouch boxes.

That on the 21st day of November 1827, Major General Milton Stapp, commanding the 5th division, reported in compliance with the orders above named, that there had been received in said division, which had not previously been accounted for to this office, public arms, to wit:

5 six pound pieces, 3 travelling carriages, 3 limber and ammunition boxes, 5 trail hankspikes, 4 rammers, 3 sponges and caps, 4 ladles and worms, 3 tompions, 5 implement straps, 4 water buckets. 20 bridles and ropes, 3 linstocks, 3 tin tube boxes, 3 tin portfire cases, 3 artillery powder horns, 210 muskets, 210 bayonets, 120 cartouch boxes, 140 sabres and belts, 173 pistols, 40 yeagers, 40 pouches, 40 powder horns.

Since the making of the last annual report, Maj. Gen. Hyacinthe Lasselle, has reported in pursuance of orders issued from this office, that there are within the said division, which have not previously been accounted for to this office, public arms, to wit:

42 muskets, 30 pair pistols, 30 swords and belts. This report is dated February 28, 1828.

Maj. Gen. James Noble, commanding the 3d division, has reported by communication, dated October 27, 1828, that there are in the 6th brigade, commanded by Gen. John T. M'Kinney, which have not previously been accounted for to this office, public arms, to wit:

1 six pounder, 143 muskets, 143 bayonets, 144 belts, 94 steel rods, 140 cartouch boxes, 26 swords, 120 rifles, 120 belts, 120 powder horns, 120 pouches.

Gen. Noble states, that the brigadier general commanding the 13th brigade, has failed to make any report on this subject.

On the 17th of June, 1828, a requisition was made upon the United States, in favor of Col. John Spencer, commanding the 55th regiment, for public arms, to wit:

Arms and equipments for a company of cavalry, 45 strong, and for a company of infantry, 30 strong.

On the day of June, 1827, a similar requisition was made in favor of Aaron Martin, a captain of cavalry, in the 2d regiment, for,

1 bugle horn.

These requisitions were made by order of your excellency. Whether the arms have been received, or not, is not known. No vouchers have been received for them. It would be the duty of the officers in whose favor those requisitions were made, to receipt for the same to this office, the moment they come to their hands. All which is respectfully submitted.

JAMES PAXTON,

Quarter-Master General's office, Dec. 2d, 1828.

The undersigned, since making his annual report, has received a communication from major-general M. G. Clark, commanding the 4th division, informing officially, that there have been received by the militia within the 4th and 14th brigades composing part of the said division, public arms received from the United States, on account of the quota of public arms accruing to this state, as follows, to wit:

105 sabres, 105 pistols, 32 muskets and bayonets.

Captain Stephen Wood, of the 55th regiment, has on this day acknowledged, by his receipt on file, the receipt from Col. John Spencer, of public arms accruing as aforesaid, to wit:

45 sabres and scabbards, 45 belts and clasps, 45 pair pistols.

Respectfully submitted,
JAMES PAXTON.

Quarter-Master General's office, Dec. 31, 1828.

Tha quarter-master general, since the making of

his report, and additional report for the present year, has received a communication from major-general H. Lasselle, of the sixth division; from which it appears, that there are in the said division, public arms received from the United States, to wit:

1 6 lb. piece of field artillery, 48 muskets, 84 sabres and belts, and 80 horseman's pistols.

Whether this return is inclusive of public arms stated to be in said division by the general's return of the 28th of February last, Gen. Lasselle does not state.

Respectfully submitted,
JAMES PAXTON.

The above communication and documents were read and referred to the committee on military affairs.

The speaker also laid before the house the following communication from the governor, viz:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND. January 1, 1829.

Hon. Speaker of the House of Representatives:

SIR—In strict obedience to the resolution of the house of representatives this day received, requesting the undersigned to lay before the said house, the correspondence between the executive of this state and the executive of the state of Ohio, on the subject of connecting the waters of the Wabash river with those of Lake Erie, in conformity to a joint resolution of the general assembly, approved January 24th, 1828, I have the honor of herewith enclosing a copy of the letter written by me to the governor of Ohio; and also one, of his answer to the same; which was not renewed after the passage of the act of congress referred to in my annual communication.

at the commencement of this session, for the reasons therein stated.

Respectfully, your obed't serv't,
JAMES B. RAY.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND. January 31, 1828.

His Excellency, Allen Trimble,
Governor of the state of Ohio—

SIR: In obedience to a joint resolution of the late general assembly of the state of Indiana, to the general assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river with Lake Erie, I have the honor of herewith inclosing to your excellency, a copy of that instrument, with a request, that the same may be laid before the legislature of the state over which you have the satisfaction to preside.

I eagerly embrace this opportunity to assure you sir, that the deep interest which this state takes in her favorite canal, intended to connect the Wabash river with the waters of Lake Erie, at navigable points; the survey and estimate of which, were authorized by an act of our late general assembly, to be made during the next summer, was quickened into a lively sensibility, by the receipt of information lately communicated to some gentlemen of the Indiana legislature, and to her executive, that Ohio, already to her glory, and the certain ultimate interest of her people embarked extensively in internal improvements and grown powerful by the wisdom of her councils, feels disposed to co-operate with Indiana, about to begin her *first* great work, by operating upon a line of internal artificial communication, common to both states in honor, interest and utility.

More than one half of the future and present population of Indiana, and a considerable portion of that

of Ohio, must become in time, directly interested in the completion of this essential navigable artery, as affording to them an outlet for the abundant and various productions of a fruitful soil, to the northern and eastern cities and manufactories, proving by daily experience, to be a safe and better market, than can be found elsewhere—and infinitely superior to the celebrated New-Orleans, which annually sinks more or less of our enterprizing population to bankruptcy and ruin, instead of raising them to opulence. Nor, does it require any unusual prophetic powers to foresee, that this uncertain and dangerous depot, will continue with the march of time, to grow less and less important as a place of exchange, to the western people, until it shall be shunned as a devouring scylla. The statesman needs but to cast his eye upon the chart of our extended empire, and view the immense region watered by the "Father of Rivers," and his tributaries, yet to be settled by civilized man, with its capability for the production of all the staple commodities of these states, with but one road to market, and that leading towards the gulph of Mexico, beneath a hot sun and a warm climate, where all that is perishable shall be in jeopardy; to entertain but little doubt, that by the time the next generation come upon the stage, this same New-Orleans, without a prospect of a rapid increase of population, in proportion to that of the country, she commands and compels to pay her tribute, will be viewed with the greatest indifference by the people northwest of the Ohio river. Rather than our citizens should be permanently and perpetually bound to rely upon this fluctuating market; I would hope for the projection of a rail road or a canal through the tall summit of the Rocky mountains, to greet the waters of the Pacific Ocean, with a view to a profitable trade with the kingdoms of Asia, as a great work of posterity, visionary it would seem.

But, the farmer, will look with *more propriety*, to the numerous manufacturing establishments, for the consumption of his surplus, which are rising in the east, and which may yet spread over the Union, by proper encouragement, than to any foreign country whatever.

The bill before the Ohio legislature to incorporate the Maumee canal company, having for its object the completion of all that part of the canal route from the line dividing Indiana from Ohio, to the Maumee bay, becoming a law, it may be expected that *states* as well as individuals, will be authorized to subscribe stock to assist in the furtherance of the project. If Ohio has disposed of her right to make this improvement, to a company, it may be presumed, that unless that company fails to take efficient steps, to fulfil the intention of the charter, that she will feel a delicacy if not a want of power in hereafter wresting from it the authority she has delegated. But, it is believed, that under any circumstance she will constantly view with great anxiety, the progress of the work, let no occasion slip to aid its progress, and cheerfully secure the rights of those that may become interested—either states or citizens.

The grant to Indiana by the U. S. to make the canal, according to a fair construction of the act making it, will be co-extensive with such a location as she may think expedient to make. To secure a permanent and constant navigation to Lake Erie, it may perhaps become necessary to extend the line of the canal to the Maumee Bay; a considerable part of which must fall within the jurisdiction of Ohio. The value of this part of the grant is not accurately known; but, the state of Indiana, can never hesitate in becoming interested in that section of the canal lying within Ohio, to an extent *equal* to the *value* of those Ohio lands, either in conjunction *with Ohio*, or in connexion with a company, acting under

a judicious act of incorporation. Were the state of Indiana, to subscribe in stock, her canal lands lying within Ohio, she would expect the legislature of that state, to guarantee to her the completion of the canal, and the faithful application of the funds arising from the lands, to the objects intended to receive them; and a *voice* in regulating the tolls in proportion to *her* interest. No doubt is entertained but what this state is willing to assist in the Ohio section, to an extent, at least equal to her canal grant lying within that state, in any form or manner that the two gevernments may agree upon. And we would not at the beginning, presume to dictate to an older and more experienced state, the character of the association which should be formed, to concentrate the energies of the two states, in effecting a common object of high import to both. Whether a canal to the Maumee Bay, or slack water navigation, will meet the preference of the states concerned, can only be fully settled by an actual examination of the stream.

If Ohio, has already taken any effective step in this business, I must be permitted on behalf of this sfate, to request that the chief magistrate of Ohio, will furnish the undersigned with whatever act, may have been passed on that subject, with his views in relation to it. And if no step has yet been taken, that he would intimate, what course Ohio, will most likely pursue in future, with respect to it? Will she incorporate a company with leave for other states than herself, to subscribe stock; and agree to afford ample security to its omen, by mutual legislation upon reciprocal principles? Or, is it most probable she may prefer engaging in the work contemplated in connection with Indiana? And if neither, will she allow the state of Indiana to carry on the whole work under her own authority?

Any information which your excellency may think

proper to communicate, on this interesting subject, will be thankfully received; in addition to being laid under an obligation to comply with a similar request, whenever an occasion offers.

I have the honor to be,

Very respectfully, your ob't serv't.

JAMES B. RAY.

His Excellency, J. B. Ray,
Governor of Indiana.

SIR: Your letter of the 30th January last, inclosing a communication and resolution of the general assembly of Indiana, to the general assembly of Ohio, on the subject of connecting the waters of the Wabash river, with those of Lake Erie, by a navigable canal, was received a few days after the adjournment of the Ohio legislature. Previous to the receipt of those documents, I had learned there was a bill before congress, which if passed into a law, would render legislation by Ohio, upon the subject of your communication unnecessary. I have allusion to the act to aid the state of Ohio in extending the Miami canal from Dayton to Lake Erie, &c., and for other purposes, which you will have seen was delayed in its passage to the close of the late session of congress. I mention this circumstance as an apology for not sooner acknowledging the receipt of your letter, and answering it as far as in my power to do; the enquiries of your excellency, relative to the course the legislature of Ohio would probably pursue upon the subject of the claim of your state, (under the act of congress of the 2d March, 1827) to lands within the territory of Ohio, to be applied within her jurisdiction, to aid in the construction of a canal connecting at navigable points the waters of the Wabash river with those of Lake Erie. It seems, the national legislature, sensible of the difficulty of seperate communities uniting in works of improve-

ment, such as those contemplated by Indiana and Ohio, have, with an equal liberality extended to those states, sufficient aid to enable them to pursue successfully, their favorite plans of improvement within their own territory; and I flatter myself the general government of our respective states will be equally gratified that an opportunity is thus offered them, so to direct their energies within their own proper spheres as to produce the greatest general good, as well as to afford mutual and reciprocal advantages.

In relation to the donation made by the late act of congress to this state, to aid in the construction of her canal, I have no hesitation in saying, the legislature will accept, and take immediate measures to apply this bountiful gift of the nation, to the purposes for which it was designed. The Miami canal, though not permanently located, has been surveyed under the authority of this state, from Dayton to the Maumee bay, and complete estimates made of the cost of the entire work. I think it propable the next general assembly will designate the route, and direct a permanent location to be made within the next year.

I will not undertake to fix periods for the commencement and completion of this important work, but, I will hazzard the opinion that within ten years there will be a navigable canal from Cincinnati to the Maumee bay.

In reference to that provision of the act of congress referred to, which authorized Indiana, to convey and relinquish to Ohio, upon such terms as may be agreed upon by said states, all the right and interest granted to the state of Indiana, to any lands within the limits of Ohio, &c. by act of the 2d March 1827. I will only say, that the legislature of Ohio will be pleased to learn as early as possible, after the meeting of the next general assembly, what

determination the legislature of Indiana may make upon the subject.

With a confident hope that our enterprizing fellow citizens, will pursue those schemes of improvement, in which they have so laudibly engaged, with a zeal and energy commensurate with their importance, and that every man of them will live to participate in the advantages and reap the profits of their labour.

I subscribe myself, with great respect,
Your most obedient servant,
ALLEN TRIMBLE.

The above communication with the accompanying documents, were read; and,

On motion of Mr. Judah,

Ordered to lie on the table.

The house resumed the consideration of Mr. Palmer's motion, to fill up the blank in the first section of the engrossed bill from the senate, entitled,

An act to establish a state road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river; by inserting after the words "Madison, in the county of Jefferson, on the Ohio river," the words following, viz: "By way of Columbus, in the county of Bartholomew, on the present state road."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Boon, Brown, Child, Crume, Deming, Elliott, Finley, Frisbie, Goodhue, Hillis, Judah, Kinnard, Lemon, Leviston, Lomax, Long, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pennington, Read, Riley, Ritchey, Sample, Slaughter, Steele, Stewart, Sweet-

set, Taylor, Trafton, Work, Worth and Howk, Speaker—40.

And those who voted in the negative are,

Messrs. Bassett, Blair, Craig, Dufour, Dumont, Dunn, Hendricks, Levenworth, Lynd, Morris, Pollock, Robb, St. Clair, St. John, Wallace, Welburn, Williams and Young—18.

And so said motion was carried in the affirmative.

Mr. Levenworth moved further to amend the bill in the 1st section, by striking out the words, "Madison on the Ohio river, in the county of Jefferson," and inserting in lieu thereof, the words following, "From Columbus by Brownstown in Jackson county, Salem in Washington county, to the mouth of Big Blue river in Crawford county."

And a division of the question being called for by Mr. Lemon, the question was taken on striking out.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Child, Craig, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Levenworth, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Ritchey, Robb, Slaughter, St. Clair, Stewart, Sweetser, Trafton, Welburn, Work and Howk, Speaker—29.

And those who voted in the negative are,

Messrs. Allen, Boon, Brown, Crume, Deming, Elliott, Finley, Goodhue, Hillis, Kinnard, Leviston, Lomax, Long, Lynd, Matlock, Orr, Pabody, Pal-

mer, Read, Riley, Sample, St. John, Steele, Taylor, Wallace, Welburn and Young—27.

And so said motion was carried in the affirmative.

The question recurring on filling the blank with the amendment proposed by Mr. Levenworth.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bell, Child, Craig, Dufour, Frisbie, Judah, Levenworth, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Pollock, Read, Riley, Ritchey, Robb, Slaughter, Stewart, Trafton, Welburn and Young—24.

And those who voted in the negative are,

Messrs. Allen, Bassett, Blair, Boon, Brown, Crume, Deming, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Kinnard, Lemon, Leviston, Lomax, Long, Matlock, Morris, Orr, Pabody, Palmer, Sample, St. Clair, St. John, Steele, Taylor, Wallace, Williams, Work, Worth and Howk, speaker—34.

And so said motion was decided in the negative.

Mr. Child moved further to amend said bill in the first section, by inserting the words following, viz: "Thence to the falls of Ohio."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Blair, Boon, Brown, Child, Craig, Dunn, Finley, Frisbie, Goodhue, Hendricks, Judah, Kinnard, Lemon, Leviston, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Read, Riley, Ritchey, Robb,

Slaughter, Steele, Stewart, Sweetser, Trafton, Welburn, Work, Worth and Howk, sp'r—37.

And those who voted in the negative are,

Messrs. Bassett, Bell, Crume, Deming, Dufour, Dumont, Elliott, Hillis, Levenworth, Long, Matlock, Orr, Palmer, Pollock, Sample, St. Clair, St. John, Taylor, Wallace, Williams and Young—21.

And so said motion was carried in the affirmative.

Mr. Marshall moved further to amend said bill in the first section, by inserting after the words "By way of Columbus in Bartholomew county, on the present state road," the following words, viz: "And by way of Salem in the the county of Washington."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Child, Craig, Dufour, Dumont. Dunn, Frisbie, Hendricks, Judah, Lemon, Long, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Pennington, Pollock, Read, Riley, Ritchie, Slaughter, St. Clair, Steele, Stewart, Sweetser, Taylor, Wallace, Williams, Worth, Young and Howk, Speaker—38.

And those who voted in the negative are,

Messrs. Brown, Crume, Deming, Elliott, Finley, Goodhue, Hillis, Kinnard, Levenworth, Leviston, Matlock, Morris, Orr, Palmer, Robb, Sample, St. John, Trafton, Welburn, and Work—20.

And so said motion was carried in the affirmative.

Mr. Pennington moved further to amend said bill in its first section, by inserting after the words, "Washington county," and before the words "falls of Ohio," the words following to wit: "And also by way of Greenville in the county of Floyd."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Brown, Child, Craig, Crume, Dufour, Dumont, Dunn, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Leviston, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Palmer, Pennington, Pollock, Riley, Ritchie, Slaughter, St. Clair, St. John, Stewart, Sweetser, Trafton, Williams and Young—41.

And those who voted in the negative are,

Messrs. Allen, Boon, Deming, Elliott, Frisbie, Lemon, Lomax, Pabody, Read, Robb, Sample, Steele, Wallace, Welburn, Worth and Howk, Speaker—17.

And so said motion was carried in the affirmative.

The house then adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resumed the consideration of the engrossed bill to establish a state road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river; when,

Mr. Levenworth moved to reconsider the vote taken in the forenoon on striking out the words "Madison in the county of Jefferson on the Ohio river."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Blair, Boon, Brown, Crume, Deming, Elliott, Finley, Goodhue, Hillis, Kinnard, Levenworth, Leviston, Long, Matlock, Orr, Pabody, Palmer, Ri-

ley, Sample, St. John, Sweetser, Taylor, Wallace, Welburn, Worth and Young—26.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Child, Craig, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Read, Ritchey, Robb, Slaughter, St. Clair, Steele, Stewart, Trafton, Welburn, Work, and Howk, Speaker—32.

And so said motion was decided in the negative.

The question being put, Shall said amendments be engrossed and with said bill read a third time tomorrow?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Crume, Deming, Elliott, Frisbie, Hillis, Kinnard, Lemon, Lomax, Long, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Read, Riley, Ritchey, Robb, Sample, Slaughter, Steele, Stewart, Sweetser, Trafton, Welburn, Williams, Work, Worth and Howk, Speaker—36.

And those who voted in the negative are,

Messrs. Allen, Bassett, Brown, Craig, Dufour Dumont, Dunn, Finley, Goodhue, Hendricks, Levenworth, Matlock, Morris, Orr, Pollock, St. Clair, St. John, Taylor, Wallace and Young—20.

And so said question was carried the in affirmative.

The speaker laid before the house the following communication from Livingston Dunlap, Adjutant General, to wit:

ADJUTANT GENERAL'S OFFICE
INDIANAPOLIS, December 31, 1828.

To the Hon. the Speaker of the House of Representatives:

SIR: In obedience to a resolution offered by Mr. Pollock, I have the honor to lay before you an abstract of the strength of the militia of this state, with an account of arms, accoutrements and ordinance belonging thereto, so far as the annual returns have been made to this office.

You will perceive by the form that there are reported only 3 divisions, 8 brigades and 28 regiments, aggregate including officers and soldiers, 16,657—this is less than the return of 1826, by 12,184, measurably in consequence of returns having been received from only three of the Major Generals, when in fact there are 7 divisions, 18 brigades and 65 regiments; and judging from every circumstance, I would presume that the aggregate number of officers and soldiers now in this state is at least 40,000. The defaulters are the commandants of the 1st, 2d, 3d and 5th divisions. I would here observe, that the Major Generals have heretofore generally made their returns to this department with punctuality; that so far as I have been able to ascertain, the blame is lodged in the captains, colonels and brigadier generals, in failing to make their respective returns in due time. I would suggest the propriety in order to make the returns uniform and elicit a greater degree of punctuality, that this department be authorized to have forms printed for the use of the commandants of regiments, brigades and divisions.

I have the honor to be,

Yours respectfully.

L. DUNLAP, Aj't. Gen'l. of Ia.

Privares,

ADJUTANT GENERAL'S OFFICE
INDIANAPOLIS, December 31, 1828.

To the Hon. the Speaker of
the House of Representatives:

SIR: In obedience to a resolution offered by Mr. Pollock, I have the honor to lay before you an abstract of the strength of the militia of this state, with an account of arms, accoutrements and ordinance belonging thereto, so far as the annual returns have been made to this office.

You will perceive by the form that there are reported only 3 divisions, 8 brigades and 28 regiments, aggregate including officers and soldiers, 16,657—this is less than the return of 1826, by 12,184, measurably in consequence of returns having been received from only three of the Major Generals, when in fact there are 7 divisions, 18 brigades and 65 regiments; and judging from every circumstance, I would presume that the aggregate number of officers and soldiers now in this state is at least 40,000. The defaulters are the commandants of the 1st, 2d, 3d and 5th divisions. I would here observe, that the Major Generals have heretofore generally made their returns to this department with punctuality; that so far as I have been able to ascertain, the blame is lodged in the captains, colonels and brigadier generals, in failing to make their respective returns in due time. I would suggest the propriety in order to make the returns uniform and elicit a greater degree of punctuality, that this department be authorized to have forms printed for the use of the commandants of regiments, brigades and divisions.

I have the honor to be,

Yours respectfully.

L. DUNLAP, Aj't. Gen'l. of Ia.

ADJUTANT GENERAL'S OFFICE, *Indianapolis, December 31st, 1828.*

Abstract of the Annual return of the Militia of the State of Indiana, for the year eighteen hundred and twenty-eight.

| | Artillery. | | |

The above communication, with said report, were read and referred to the committee on military affairs.

A message was received from the senate, by Mr. Test, their assistant secretary, announcing that the senate have passed an engrossed bill of the house of representatives, entitled,

An act authorizing the board of justices of Bartholomew county, to levey an additional tax, without amendment.

The engrossed bill from the senate entitled,

An act for the apportionment of senators and representatives in the counties and territory therein named, was read the second time.

Mr. Pennington moved that said bill be committed to a committee of the whole house, and made the order of the day for to-morrow.

Which motion was decided in the negative.

Mr. Williams moved to amend the first section of said bill, so as to give an additional representative to the county of Lawrence.

Mr. Pennington then moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Pennington then moved that the further consideration of said bill be indefinitely postponed.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Child, Frisbie, Lomax, Lynd, Pennington, Read, Riley, Ritchey, Slaughter, Steele, Williams and Howk, speaker—14.

And those who voted in the negative are,

Messrs. Allen, Bassett, Boon, Brown, Craig,

Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levision, Long, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pollock, Robb, Sample, St. Clair, St. John, Stewart, Sweetser, Taylor, Trafton, Wallace, Williams, Work, Worth and Young—43.

And so said motion was decided in the negative.

And the question recurring on Mr. Williams' motion to amend said bill.

The same was decided in the negative.

Said bill was then ordered to a third reading tomorrow.

Mr. Marshall, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed,

Joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d March 1827, shall be conveyed to the state of Ohio.

And find the same truly enrolled.

Whereupon,

The speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The engrossed bill from the senate entitled, an act regulating estrays and water crafts going adrift, was read a second time, and committed to a committee of the whole house to-morrow.

Mr. St. Clair, from the joint committee for enrolled bills, made the following report, viz:

Mr. Speaker,

The joint committee for enrolled bills, did on this day present to his Excellency the Governor, for his approval and signature the following enrolled bills entitled acts, viz:

An act to re-locate that part of the state road leading from the Ohio line to Winchester; thence to

Indianapolis, which lies between the 30th and 35th mile post.

An act supplementary to an act for the relief of insolvent debtors, approved, January 28th, 1824;

An act to vacate the town of Owensville;

An act concerning the town of Fort-Wayne;

An act to change a part of the state road from Rockport to Bloomington.

The joint resolution relative to the three per cent. fund was read the second time.

Mr. Levenworth moved that said joint resolution be committed to a committee of the whole house for to-morrow.

Which motion was decided in the negative.

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, January 3d, 1829.

The house met pursuant to adjournment.

Mr. Frisbie presented a petition of John Morris and others, citizens of Spencer county, praying the relocation of the seat of justice of said county; which was read and referred to a select committee, of Messrs. Frisbie, Levenworth and Goodhue.

Mr. Brown presented a petition of James Henderson and others, citizens of Rush and Decatur counties, praying the location of a state road from Lawrenceburgh, in Dearborn county, on a way that has been marked out to Joseph Henderson's, on Clifty, in Decatur county; thence to intersect a road at William Hill's, on the waters of Little Flat Rock, which is opened from the Decatur county line, to

Rushville, and run with said road to Rushville; which was read and referred to the committee on roads.

Mr. Kinnard presented a petition of Robert T. Samuel and others, citizens of Marion and Hendricks counties, praying an alteration in the state road from Indianapolis to Crawfordsville; which was read and referred to a select committee of Messrs. Kinnard, Matlock and Taylor.

Mr. Sweetser, from the committee on the judiciary, made the following report, viz:

Mr. Speaker,

The committee on the judiciary, to whom was referred the resolution of this house, relative to giving further time to feme coverts, minors and insane persons, to redeem lands sold for taxes, have had the same under consideration, and have directed me to report, that in their opinion, it is expedient to grant them further time of three years upon sales hereafter to be made, and that the committee of ways and means be instructed to insert a clause in the revenue bill, correspondent to this opinion.

Mr. Hillis moved to lay said report on the table.

Which motion was decided in the negative.

And the question being put, will the house concur in said report? the same was carried in the affirmative.

Mr. Boon, from the committee on claims, made the following report, viz:

Mr. Speaker,

The committee on claims, to whom was referred the communication of his excellency, the governor, and the accompanying documents respecting a court martial, held in Indianapolis, on the 29th of December, 1828, for the trial of colonel William Hinton, and the claims of the officers and witnesses attending the trial, have had the same under consideration, and have directed me to report, that they have ex-

amined the militia law on that subject, and find that the forty-third section of said law provides for the expenses to be paid out of the fines arising in the regiment to which the officer arrested belongs, and they are therefore of opinion, that said claims ought not to be paid by the state.

Which report was read and concurred in by the house.

Mr. Lomax, from the committee on roads, reported a joint resolution relative to the agent of the three per cent. fund.

Which was read the first time, and ordered to a second reading on Monday next.

Mr. Goodhue, from the select committee to whom was referred the petition on that subject, reported a bill altering the line dividing the counties of Jefferson and Scott.

Which was read the first time and passed to a second reading on Monday next.

Mr. Taylor, from the select committee to whom was referred the petition of Joseph Moore and others, citizens of Tippecanoe and Warren counties, praying that part of the county of Tippecanoe might be attached to the county of Warren; also the remonstrance of James Garrison and others, citizens of Warren county, on the same subject, reported, that they deem it inexpedient to legislate upon that subject at this time; and they they therefore ask to be discharged from the further consideration thereof.

The above report being read, the same was concurred in by the house.

Mr. Deming, from the select committee, to whom was referred the engrossed bill relative to navigable streams, and the amendments proposed thereto by the senate, reported the same with several amendments; which were twice read at the clerk's table.

Mr. Sample moved to recommit said bill and a-

mendments to a committee of the whole house on Monday next.

Which motion was carried in the affirmative.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bill entitled—

An act authorizing the board of justices of Bartholomew county, to levey an additional tax;

And find the same truly enrolled.

When,

The speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Levenworth presented the following resolution, viz:

Resolved, That the committee on military affairs be instructed to report a bill to this house, so to amend the militia law, as to require all companies or individuals who have public arms in their possession and who have not given security as the law requires for the safe keeping and delivering up of the same, shall deliver the arms in their possession, to his excellency, the governor, on or before the first day of August next, or give the security the law requires upon the distribution of public arms, and upon neglecting or refusing to do one or the other, shall be liable to, and shall pay a certain penalty for every month the arms are detained after such neglect or refusal.

Mr. Lemon moved to strike out the word "instructed," and insert in lieu thereof, the following words, viz: "enquire into the expediency of."

Which motion was decided in the negative.

Mr. Pennington moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Trafton presented the following resolution, viz:

Resolved, That the committee on roads be instructed to enquire into the expediency of amending the road law, so as to empower the boards of justices or commissioners doing county business, to select their own mode of taxing the inhabitants of their county, with labour on their roads as may best suit the wishes of a majority of said county. And the same board shall also have power to appoint commissioners to alter state roads in their respective counties, provided they do not alter said roads at the county line where another county is interested, without the consent of said county.

And the question being put, to adopt said resolution, the same was decided in the negative.

Mr. Stewart moved to take up the bill attaching part of the county of Clarke to the county of Floyd.

Which motion was carried in the affirmative.

Mr. Lemon moved that said bill be re-committed to a select committee.

Which motion was decided in the negative.

Mr. Lemon then moved that said bill be re-committed to a committee of the whole house and made the order of the day for Monday next.

Which motion was decided in the negative.

Said bill was then ordered to be engrossed and read a third time on Monday next.

The bill to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington, was read a second time and ordered to be engrossed and read a third time on Monday next.

The bill to incorporate the town of Washington in the county of Daviess, was read the second time and ordered to be engrossed and read a third time on Monday next.

The bill concerning monies expended on account of the Michigan road, was read the second time.

Mr. Levenworth moved to lay said bill on the table.

Which motion was decided in the affirmative.

The said bill was then ordered to lie on the table.

The bill appointing commissioners to select and survey the lands granted to the state of Indiana, by the late treaty between the United States and Potawatamie tribe of Indians, for the construction of a road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river, was read a second time and committed to a committee of the whole house on Monday next.

The engrossed bill from the senate, in addition to an act entitled an act authorizing the laying off certain roads, and appropriating $100,000 of the 3 per cent. fund for opening the same, and the several acts amendatory thereto, was read the 2d time and committed to a committee of the whole house on Monday next.

The engrossed bill authorizing the surveying and marking the boundary line between the counties of Clark and Scott, was read the third time and passed.

Ordered, That the same be entitled An act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill to establish a state road from Greencastle to the state line in the direction of Springfield in the state of Illinois, was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to re-locate part of the state road from Vincennes to Spencer, was read the third time.

Mr. Young moved to lay the same on the table.

Which motion was carried in the affirmative.

The engrossed bill from the senate entitled,

An act for viewing and laying out a state road from Bono, via Bedford, to Terre-Haute, was read a third time and passed.

Ordered, That the clerk inform the senate therof.

The engrossed bill from the senate, entitled,

An act to amend an act entitled, an act to amend an act concerning a state library, approved, 4th February, 1825, was read a third time.

Mr. Sweetser moved to lay the same on the table.

Which motion was carried in the affirmative.

The bill to locate a state road from Newcastle to Crawfordsville was read a third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill providing for opening a state road in the county of Allen, was read a third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

Mr. St. Clair from the joint committee for enrolled bills reported,

That they did on this day present to his excellency the governor, for his approval and signature,

An act to incorporate Hanover Academy; and,

A joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by the act of congress of the 2d March 1827, shall be conveyed to the state of Ohio.

The engrossed bill from the senate entitled,

An act for the apportionment of senators and representatives in the counties and territory therein named, was read the third time.

The question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Craig, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Leviston, Long, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pollock, Robb, Sample, St. Clair, St. John, Stewart, Sweetser, Taylor, Trafton, Wallace, Welburn, Work, Worth and Young—40.

And those who voted in the negative are,

Messrs. Bell, Blair, Child, Frisbie, Lemon, Levenworth, Lomax, Morris, Pennington, Read, Riley, Ritchey, Slaughter, Steele, Williams, and Howk, Speaker—16.

And so said bill passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled,

An act to establish a state road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river, was read the third time as amended.

Mr. Levenworth moved to re-commit said bill as amended to a select committee with instructions so to amend the same as to extend the Michigan road from Indianapolis, "to the Horse-Shoe bend on the Ohio river in the county of Crawford."

Mr. Dunn moved to amend said motion so as to make "Bloomington in Monroe county," a point.

Which motion was carried in the affirmative.

Mr. Williams moved further to amend said motion so as to make Bedford in Lawrence county, a point in said road.

Which motion was carried in the affirmative.

Mr. Matlock moved further to amend said motion

so as to make "Martinsville in Morgan county," a point in said road.

Which motion was carried in the affirmative.

Mr. Robb moved further to amend said motion so as to instruct said select committee to amend said bill by striking out that part of the same which relates to the selection of the land, &c.

Which motion was decided in the negative.

Mr. Pabody moved further to amend said motion so as to instruct said committee to strike out of said bill that part which relates to the correspondence with the general government on the subject of surveying the lands, &c.

Which motion was decided in the negative.

The question recurring on the motion of Mr. Levenworth, as amended.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Craig, Deming, Dufour, Dumont, Dunn, Frisbie, Hendricks, Hillis, Levenworth, Long, Matlock, Moyer, Pennington, Pollock, Robb, St. Clair, Welburn, Williams and Young—22.

And those who voted in the negative are,

Messrs. Allen, Bell, Boon, Child, Crume, Elliott, Finley, Goodhue, Judah, Kinnard, Lemon, Leviston, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Orr, Pabody, Palmer, Read, Riley, Ritchey, Sample, Slaughter, St. John, Steele, Stewart, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Howk, Speaker—36.

And so said motion was decided in the negative.

Mr. Craig moved to re-commit said bill and amendments to a select committee with instructions to amend the same so as to continue said road from Indianapolis to Lawrenceburgh, on the Ohio river, in the county of Dearborn, on the present state road through Shelbyville, Greensburgh and Napoleon.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Craig, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Hendricks, Kinnard, Levenworth, Leviston, Long, Lynd, Matlock, Morris, Moyer, Orr, Pollock, Riley, St. Clair, St. John, Taylor, and Williams—26.

And those who voted in the negative are,

Messrs. Allen, Bell, Boon, Child, Crume, Frisbie, Goodhue, Hillis, Judah, Lemon, Lomax, Marshall, M'Intire, M'Pheeters, Pabody, Palmer, Pennington, Read, Ritchey, Robb, Sample, Slaughter, Steele, Stewart, Sweetser, Trafton, Wallace, Welburn, Work, Worth, Young and Howk, speaker—32.

And so said motion was decided in the negative.

Mr. Hillis moved to re-commit said bill and amendments to a select committee, with instructions so to amend the same as to make Madison on the Ohio river, by way of Columbus, the point of termination of said road.

And debate arising thereon, Mr. Lemon called for the previous question, and the call being seconded by Messrs. Bassett and Read, the said previous question was put in the form prescribed by the rules of this house, that is to say, Shall the main question be now put?

And the aves and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Child, Craig, Dufour, Dumont, Dunn, Elliott, Frisbie, Hendricks, Judah, Lemon, Lomax, Lynd, Marshall, M'Intire, M'Pheeters, Pennington, Pollock, Read, Riley, Ritchie, Robb, Slaughter, St. Clair, Steele, Stewart, Trafton, Welburn, Williams, Work and Young—32.

And those who voted in the negative are,

Messrs. Allen, Blair, Boon, Brown, Crume, Deming, Finley, Goodhue, Hillis, Kinnard, Levenworth, Leviston, Long, Matlock, Morris, Moyer, Orr, Pabody, Palmer, Sample, St. John, Sweetser, Taylor, Wallace, Worth and Howk, Speaker—26.

And it passed in the affirmative.

The said main question, viz: Shall said bill pass as amended? was then put.

And the aves and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Boon, Brown, Child, Craig, Crume, Dufour, Dumont, Dunn, Elliott, Frisbie, Hendricks, Hillis, Judah, Kinnard, Lemon, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Pollock, Read, Riley, Ritchie, Robb, Sample, Slaughter, St. Clair, St. John, Steele, Stewart, Sweetser, Trafton, Wallace, Williams, Work, Worth, Young and Howk, Speaker—48.

And those who voted in the negative are,

Messrs. Allen, Blair, Deming, Finley, Goodhue, Levenworth, Orr, Palmer, Taylor and Welburn—10.

And so said bill passed.

Ordered, That the clerk inform the senate thereof

and ask their concurrence in the amendments to said bill.

The house then adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Long presented the following report, viz:

The select committee to whom was referred the petition of Henry Pearson and others, citizens of Hancock county, praying for a removal of the public square in the town of Greenfield, the seat of justice of Hancock county—and also the remonstrance of Hiram Dayton and others, remonstrating against the moving of said public square, have had the same under their consideration, and on mature examination, find that it is made the duty of the boards of justices, or other persons doing county business, immediately upon the locating of a county seat within any countv, to select a suitable situation therein, for the purpose of building thereon the public buildings of said county—and your committee are fully satisfied that the commissioners elected for the purpose of doing county business for the county of Hancock, did, after the location of the county seat aforesaid, cause the same to be surveyed, and selected a public square for the use of said county, and instructed the agent to sell the lots contiguous thereto, as well as the other lots of said town, which has been done. Therefore, it is the opinion of the committee that it would be a violation of public faith to move the public square to any other part of said town, without the consent of those persons who have purchesed lots therein, or in some other manner remunerating them. Therefore, they are of opinion that the prayer of the petitioners is unreasonable, and should not be granted.

The above report was read and concurred in by the house.

Mr. Moyer from the select committee to whom was referred the petition of sundry citizens of Daviess county, praying the location of a state road therein named, and the remonstrance of sundry citizens of said county, against the same, reported a bill to establish a state road from Grandison Thomas' farm in Daviess county, to intersect the state road at or near Richard Weavers' farm in said county.

Which was read the first time and passed to a second reading on Monday next.

The amendments proposed by the senate to the engrossed bill of this house, entitled,

An act to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties, were agreed to by the house with amendments.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

The engrossed joint resolution relative to the three per cent. fund, was read the third time and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate have passed engrossed bills of the house of representatives of the following titles, to wit:

An act to locate and open a state road from Indianapolis to Lafayette in the county of Tippecanoe, and for other purposes; and,

An act to establish a state road from or near Brownsville by the way of Waterloo and Milton to intersect the state road leading from Centreville to Indianapolis, with sundry amenments thereto.

In which the concurrence of the house of representatives is requested.

They have also passed an engrossed joint resolution on the subject of of the right which the state of Indiana has to the unappropriated lands within her boundaries, from the house of representatives without amendment; also,

They have passed an engrossed bill which originated in the senate, entitled,

An act supplemental to an act entitled an act to incorporate county libraries, approved January 28, 1824.

In which the concurrence of the house of representatives is requested.

The amendments proposed by the senate to the two first named engrossed bills of this house, mentioned in the foregoing message were severally read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The last mentioned bill in the above message was read the first time and passed to a second reading on Monday next.

The house resolved itself into a committee of the whole on the bill to authorize the agent of state in the town of Indianapolis, to procure a fire engine for the preservation of the public and other buildings in said town, and after some time spent therein, the speaker resumed the chair, and Mr. Finley reported the same without amendment.

On motion of Mr. Dunn,

Said bill was ordered to lie on the table.

The house resolved itself into a committee of the whole on the bill to authorize William Youse to build a toll bridge across the east fork of White Water river, after some time spent therein, the speaker resumed the chair, and Mr. Fristie reported the same with several amendments, which were concurred in by the house generally.

Said bill was then ordered to be engrossed and read a third time on Monday next.

The house resolved itself into a committee of the whole on the bill concerning the Wabash and Miami canal, and the report of the committee on canals and internal improvements on the same subject, and after some time spent therein, the speaker resumed the chair, and Mr. Goodhue reported progress and asked leave to sit again.

Which was granted by the house.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am instructed by his excellency, the governor, to inform the house of representatives that he did on this day approve and sign—

An act supplemental to an act entitled, an act to amend an act to regulate the judicial circuits and fixing the times of holding courts therein, approved, February 12th, 1825.

An act to change a part of the state road from Rockport to Bloomington.

An act concerning the town of Fort Wayne.

An act to re locate that part of the state road leading from the Ohio line to Winchester; thence to Indianapolis, which lies between the 30th and 35th mile post.

All of which originated in the house of representatives.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, January 5th, 1829.

The house met pursuant to adjournment.

Mr. Child presented a petition of John Spencer and others, citizens of Washington county, praying the passage of a law declaring Twin creek a navigable stream, which was read and referred to the same committee to whom was referred the petition of William Eaton and others, respecting clearing out Indian creek.

Mr. Kinnard presented an account of Robert Patterson for repairs in the senate chamber and representatives hall, which was read and referred to the committee on claims.

Mr. Young presented a remonstrance of Thomas Hardy and others, citizens of Owen county, against re-locating the road from Spencer to Vincennes.

Which was read and ordered to lie on the table.

Mr. Stewart presented a petition of the trustees of the first Presbyterian society of New Albany Indiana, praying authority to sell certain lots therein named.

Which was read and referred to a select committee of Messrs. Stewart, Slaughter and M'Pheeters.

Mr. Goodhue presented a remonstrance of William W. Whittington and others, citizens of Scott county, against the sale of part of the public square in the town of Lexington.

Which was read and ordered to lie on the table.

Mr. Craig presented a petition of James Christie and others, citizens of Ripley county, praying a change in the mode of doing county business.

Which was read and referred to the same committee of the whole house to which was referred the bill to change the mode of doing county business in Wayne county.

Mr. Hillis from the committee of ways and means

to whom was referred a resolution of this house on that subject, reported a bill making appropriations for the payment of the commissioners and other persons employed in surveying and marking a road from Lake Michigan to Indianapolis.

Which was read the first and second times, the rules of the house having first been dispensed with, and committed to a committee of the whole house for this day.

Mr. Lomax, from the committee on roads to whom was referred sundry resolutions of this house, on the subject of public roads and highways, reported a bill for opening and repairing public roads and highways.

Which was read the first and second times, the rules of the house having first been dispensed with.

Mr. Levenworth moved that said bill be committed to a committee of the whole house and made the order of the day for to-morrow, and 100 copies of the same be printed for the use of this house.

Mr. Steele moved that the further consideration of said bill be indefinitely postponed.

Mr. Palmer then moved to lay said bill on the table.

Which motion was carried in the affirmative.

Mr. Lomax, from the committee on roads to whom was referred the petition of James Henderson and others, citizens of Rush and Decatur counties, praying the location of a state road therein named, reported a bill to establish a state road from Rushville to Lawrenceburgh.

Which was read the first and second times, the rules of the house having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Lomax, from the committee on roads to whom was referred the petition of Samuel Grisby and oth-

ers, praying the re-location of part of the state road therein named. reported a bill to re-locate part of the state road from Winchester to Indianapolis.

Which was read the first time and passed to a second reading to-morrow.

The following message was received from the senate by Mr. Test, their assistant secretary.

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate agree to the first amendment poposed by the house of representatives to the engrossed bill of the senate, entitled,

An act to establish a state road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river; and refuse to concur in the second amendment proposed thereto by the house.

Also, the senate refuse to concur in the amendments proposed by the house of representatives to the amendments of the senate to the engrossed bill of the house of representatives, entitled,

An act to authorize county surveyors to obtain copies of the field notes of the original corners of land in their respective counties.

Mr. Child moved that this house insist on the second amendment proposed by them to the engrossed bill from the senate entitled, an act to establish a state road from Lake Michigan to some convenient point on the Ohio river.

Which amendment was by striking out the words "Madison in Jefferson county on the Ohio river," and inserting in lieu thereof the words following, to wit: "to the falls of the Ohio river by the way of Salem in Washington county and Greenville in Floyd county," in the first section of said bill.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair Child, Craig, Deming, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Pollock, Ritchey, Robb, Slaughter, St. Clair, Steele, Stewart, Taylor, Trafton, Work, Worth and Howk, Speaker—32

And those who voted in the negative are,

Messrs. Boon, Brown, Crume, Elliott, Finley, Goodhue, Hillis, Kinnard, Levenworth, Leviston, Lomax, Long, Matlock, Orr, Pabody, Palmer, Read, Riley, Sample, St. John, Sweetser, Wallace, and Young—23.

And so said motion was carried in the affirmative.

Ordered, That the clerk inform the senate therof.

Mr. St. Clair moved that this house do insist upon the amendments proposed by them to the amendments of the senate, to the engrossed bill of this house, entitled,

An act to authorize county surveyors to obtain copies of the field notes of the original corners of land in their respective counties.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

Mr. Lemon, after having obtained leave, presented a bill concerning the town of Utica.

Which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Moyer,

Resolved, That the committee on military affairs, be instructed to enquire whether any, and if any, what provisions are necessary for enforcing the payment of money assessed and collected of persons conscientiously scrupulous of bearing arms, under

the provisions of the act regulating the militia, approved 28th January, 1828.

On motion of Mr. Steele,

Resolved, That the judiciary committee be, and they are hereby instructed, to amend the law providing for securing fugitives from justice in this state, so as to enable the pursuer to be furnished with an officer of this state, to convey the person or persons so charged with crime, to the state or territory where the same was committed.

On motion of Mr. Riley,

Resolved, That the fourth section of an act entitled an act to authorize persons to retail spiritous liquors, &c, approved January 24th, 1828, be referred to the committee on the Judiciary, with instructions to examine if the same can be made to operate upon retailers of dry goods, and other articles, so as to prohibit the collection of their debts, and to report by bill or otherwise.

On motion of Mr. Riley,

Resolved, That a committee be appointed to examine and report to this house, by bill or otherwise, if any, what change is now required in the existing law respecting the fees of notaries public, so that the same may be equalized with the fees allowed to other officers for like services; when,

Messrs. Riley, Read and Goodhue, were appointed that committee.

Mr. Judah, after having obtained leave, presented a joint resolution relative to an alteration of the constitution of the United States, on the subject of electing a president of the United States.

Which was read the first time and passed to a second reading to-morrow.

Mr. Child, after having obtained leave, presented a joint resolution relative to an amendment of the constitution of the United States on the subject of the election of president of the United States.

Which was read the first time and ordered to a second reading to-morrow.

Mr. St. Clair, after having obtained leave, presented a bill to amend the act entitled,

An act subjecting real and personal estate to execution, approved January 30th, 1824.

Which was read the first time and passed to a second reading to-morrow.

The bill establishing a state road from Grandison Thomas' farm in Daviess county, to intersect the state road at or near Richard Weavers' in said county, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the senate supplemental to an act entitled an act to incorporate county libraries, approved January 28, 1824.

Was read the second time and passed to a third reading to-morrow.

The joint resolution relative to the three per cent. fund; and,

The bill altering the line dividing the counties of Jefferson and Scott.

Were read the second time and ordered to be engrossed and read a third time to-morrow.

The house then adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The engrossed bill authorizing William Youse to build a toll bridge across the east fork of White Water river;

The engrossed bill to incorporate the town of Washington in the county of Daviess; and,

The engrossed bill to re-locate part of the state road from Newcastle to Lafayette; were severally read the third time and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington, was read the third time; when,

Mr. Goodhue moved to re-commit said bill to a select committee.

Which motion was carried in the affirmative.

Whereupon,

Messrs. Goodhue, Frisbie and Hillis were appointed that committee.

Mr. Goodhue moved to take up the remonstrance of William W. Whittington and others, against selling part of the public square in the town of Lexington.

Which motion was carried in the affirmative.

Said remonstrance was then referred to the same select committee to whom is committed the bill to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington.

The engrossed bill attaching part of the county of Clark to the county of Floyd, was read a third time; when,

Mr. Lemon moved to lay said bill on the table.

Which motion was carried in the affirmative.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate have passed an engrossed bill, entitled, an act declaring Beanblossom creek a public highway.

In which the concurrence of the house of representatives is requested.

The senate has passed an engrossed bill from the house of Representatives, entitled,

An act to establish a road from Gallatin via Greencastle, Mooresville and Portroyal to Franklin, with sundry amendments thereto.

In which the concurrence of the house of representatives is requested.

The senate insist upon their objections to the second amendment proposed by the house of representatives to the engrossed bill of the senate, entitled,

An act to establish a state road from Lake Michigan by way of Indianapolis to some convenient pont the on Ohio river, and have appointed Messrs. Sering and Claypool a committee of free conference on the part of the senate, to confer with a similar committee to be appointed on the part of the house of representatives, relative to the matter of difference between the two houses on said bill.

The senate also insist upon their disagreement to the amendment proposed by the house of representatives to the amendments of the senate to the engrossed bill of the house, entitled,

An act to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties.

The senate also has adopted the following resolution, to wit:

Resolved, That the senate will (the house of representatives concurring therein) meet in the house of representatives on this day at 2 o'clock P. M. for the purpose of electing by joint ballot of both houses of the general assembly, a commissioner to proceed as state agent, to the seat of government of the state of Ohio, in conformity with the object of a joint resolution referring to the land for continuing the Wabash and Miami canal through that state, and that the said house be informed of the adoption of this resolution, and a similar resolution on their part requested.

The senate has appointed Mr. Simonson teller on their part.

On motion of Mr. Craig,

Resolved, That this house continue to insist on the second amendment proposed by them to the engrossed bill from the senate entitled, An act to establish a state road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio river; and that a committee of free conferrence be appointed on the part of this house, to act with the committee appointed on the part of the senate, to take into consideration the disagreeing votes of the two houses on said bill.

Whereupon,

Messrs. Craig and Marshall were appointed that committee.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled, an act declaring Beanblossom creek a public highway, was read the first time and passed to a second reading to-morrow.

Mr. Morris moved that the engrossed bill of this house establishing a state road from Gallatin, via Greencastle, Mooresville and Port-Royal, to Franklin, and the amendments proposed thereto by the senate, lay on the table.

Which motion was carried in the affirmative.

On motion of Mr. Sweetser,

Resolved, That this house continue to insist on the amendments proposed by them, to the amendments proposed by the senate to the engrossed bill of this house entitled, An act to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties, and that a committee of free conference be appointed on the part of this house, to act with a similar committee to be appointed on the part of the sen-

ate, to take into consideration the disagreeing votes of the two houses on said bill.

Whereupon,

Messrs. Sweetser and St. Clair were appointed said committee on the part of this house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Elliott,

Resolved, That this house reciprocate the resolution of the senate adopted by them on this day, relative to going into the election of a commissioner, &c. in pursuance of a joint resolution of this general assembly; and that they will meet the senate for that purpose, in the representatives' hall instanter, and that seats be provided for them on the right of the speaker's chair.

Ordered, That the clerk inform the senate thereof.

The house resolved itself into a committee of the whole on the bill making appropriations for the payment of the commissioners and other persons employed in surveying and marking the road from Lake Michigan to Indianapolis; and after some time spent therein, the speaker resumed the chair, and Mr. Kinnard reported progress and asked leave to sit again.

Which leave was granted by the house.

The senate came down into the hall of the house of representatives, and took their seats on the right of the speaker's chair, the president of the senate on the right of the speaker.

Whereupon,

The two houses proceeded by joint ballot to the election of a commissioner, to adjust the terms upon which the lands granted by act of congress of the 2d of March 1827, shall be conveyed to the state of Ohio.

And upon counting the first ballot, it appeared that for that office, Jeremiah Sullivan had received 33 votes, John Law 37 votes, scattering six votes.

Neither of the above named persons having received a majority of the whole number of votes given, the two houses then proceeded to a second ballot; upon counting which, it appeared that Jeremiah Sullivan had received 43 votes, John Law 32 votes, scattering 2 votes.

Jeremiah Sullivan having received a majority of the whole number of votes given, was, by the president of the senate, in the presence of both houses of the general assembly, declared duly elected commissioner as aforesaid.

The senate then retired to their chamber.

The house again resolved itself into committee of the whole on the bill making appropriations for the payment of the commissioners and other persons employed in surveying and marking the road from Lake Michigan to Indianapolis; and after some time spent therein, the speaker resumed the chair, and Mr. Kinnard reported the same without amendment.

Mr. Sample then moved to strike out the 4th and 5th sections of said bill, which read in the words following, to wit:

Sec. 4. That John I. Neely be allowed the sum of one hundred and sixteen dollars and ninety-eight and three fourth cents, for money expended by him at different times while on said road.

Sec. 5. That John M'Donald be allowed the sum of thirty-nine dollars and fifty-five cents, and Chester Elliott the sum of seventy-nine dollars and eleven cents, for monies expended by them at different times while on said road.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Craig, Crume, Dufour, Dunn, Elliott, Finley, Kinnard, Levenworth Leviston, Lomax, Long,

Marshall, M'Intire, Orr, Pennington, Sample, St. John, Taylor, Wallace and Worth—20.

And those who voted in the negative are,

Messrs. Allen, Bell, Boon, Brown, Child, Dumont, Frisbie, Goodhue, Hendricks, Hillis, Judah, Lemon, Lynd, Matlock, Morris, M'Pheeters, Moyer, Palmer, Pollock, Read, Ritchey, Robb, Slaughter, St. Clair, Steele, Stewart, Sweetser, Trafton, Work, Young and Howk, speaker—34.

And so said motion was decided in the negative.

Mr. Goodhue moved to amend the first section of said bill, so as to allow said commissioners $1 75 per diem, instead of $2 00.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Brown, Child, Crume, Dufour, Dunn, Elliott, Goodhue, Hendricks, Kinnard, Levenworth, Leviston, Lomax, Long, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Orr, Pennington, Sample, Taylor, Wallace and Worth—28.

And those who voted in the negative are,

Messrs. Craig, Dumont, Finley, Frisbie, Hillis, Judah, Lemon, Moyer, Palmer, Pollock, Read, Ritchie, Robb, Slaughter, St. Clair, St. John, Steele, Stewart, Sweetser, Trafton, Work, Young and Howk, Speaker—23.

And so said motion was carried in the affirmative.

Mr. Crume moved further to amend said bill, so as to allow the hands employed by the commissioners, one dollar instead of seventy-five cents per day, for their services.

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read the third time to-morrow.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, viz:

An act to locate and open a state road from Indianapolis to Lafayette in the county of Tippecanoe, and for other purposes;

An act to locate a state road from New-Castle to Crawfordsville;

An act for the apportionment of senators and representatives in the counties and territory therein named;

An act to establish a state road from or near Brownsville by the way of Waterloo and Milton to intersect the state road leading from Centreville to Indianapolis; and,

A joint resolution on the subject of the right which the state of Indiana has to the unapproprtated lands within her boundaries.

And find the same truly enrolled; when,

The speaker signed said bills and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. St. Clair, from the joint committee for enrolled bills, reported—that they did on this day present to his Excellency the Governor, for his approval and signature,

An act to authorize the board of justices of Bartholomew county, to levy an additional tax;

And then the house adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, January, 6th. 1829.

The house met pursuant to adjournment.

Mr. Pennington, from the committee on propositions and grievances to whom was referred the petition of Dorcas M'Henry, praying to be divorced from her husband Samuel G. M'Henry, reproted, that they have had the same under their consideration, and a majority of them have instructed him to report, the prayer of the petitioner ought not to be granted.

Mr. Deming moved to lay said report on the table.

Which motion was carried in the affirmative.

Mr. Kinnard, from the select committee to whom was referred the petition on that subject, reported a bill to authorize the re-location of part of the state road from Crawfordsville to Indianapolis.

Which was read the first time and passed to a second reading to-morrow.

Mr. Stewart, from the select committee, to whom was referred the petion of Elias Ayers and others, trusteess of the Presbyterian church in the town of New Albany, reported a bill to authorize the trustees of the first Presbyterian church in said town to sell and convey the real estate of said church.

Which was read the first time and passed to a second reading to-morrow.

Mr. Long, from the select committee to whom was referred the petition of Hiram Dayton and others, on that subject, reported a bill to vacate so much of the Centreville state road as runs through the town of Greenfield the seat of justice of Hancock county.

Which was read the first time and passed to a second reading to-morrow.

Mr. Dunn, from the select committee to whom was referred the report of the committee of ways and means, with instructions to report a bill providing

for an ad valorem system of taxation, reported a bill supplementary to the several acts for assessing the revenue.

Which was read the first and second times the rules of the house having first been dispensed with, and committed to a committee of the whole house to-morrow.

On motion of Mr. Sample,

Ordered, That one hundred copies of said bill be printed for the use of this house.

Mr. Lomax moved to take up the bill for opening public roads and highways.

Which motion was decided in the negative.

Mr. Morris moved to take up the engrossed bill of this house, entitled,

An act to establish a road from Gallatin via Greencastle, Mooresville and Portroyal to Franklin, with the several amendments proposed thereto by the senate.

Which motion was carried in the affirmative.

The several amendments proposed by the senate to said bill, were then read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Goodhue presented the following resolution, viz:

Resolved, That the committee on propositions and grievances be instructed to enquire into the expediency of granting from the state treasury, the sum of twenty-five dollars annually to each county in this state, for the purpose of enabling unfortunate women to obtain divorces without applying to the legislature.

Mr. Pennington moved to strike out the words, viz: "committee on propositions and grievances," and insert in lieu thereof the words following, viz: "a select committee."

Which motion was carried in the affirmative.

Mr. Matlock moved so to amend said resolution as to make it imperative on said committee to report a bill.

Which motion was carried in the affirmative.

Mr. Elliott moved to lay said resolution on the table.

Which motion was decided in the negative.

And on the question to adopt said resolution, the same was carried in the affirmative; when,

The speaker appointed Messrs. Goodhue, Child, Craig, Pennington, Matlock, Judah and Worth, that committee.

Mr. Dufour presented the following resolution, viz:

Resolved, That the committee on education be instructed to report a bill providing for laying a tax of one fourth per centum on all transfers of real estate, to be collected by the recorders in the several counties within the state, when the deeds shall be presented for record, and for paying into the state treasury the funds thus collected; to be set apart as the commencement of a general fund, for the support of primary schools throughout the state; providing also, for the loaning of said monies, and the interest thereon, and creating the treasurer of state for the time being, and his successors in office, or some other person, a trustee of said fund; with power to receive, hold and sell real estate or other property, which may be appropriated by law, or donated to increase said fund, either by gift, bequest or otherwise.

Which was read; when,

Mr. Dufour moved to lay the same on the table.

Which motion was decided in the negative.

Mr. Pennington moved to postpone the further consideration of said resolution until the first Monday in August next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Boon, Brown, Child, Crume, Deming, Elliott, Hendricks, Hillis, Kinnard, Lemon, Levenworth, Lomax, Long, Lynd, Matlock, Marshall, Morris, M'Pheeters, Moyer, Orr, Palmer, Pennington, Pollock, Read, Ritchey, Robb, Sample, Slaughter, St. Clair, Steele, Stewart, Taylor, Trafton, Welburn, Work, Worth and Howk, speaker —40.

And those who voted in the negative are,

Messrs. Allen, Craig, Dufour, Dumont, Dunn, Finley, Frisbie, Goodhue, Judah, Leviston, Pabody, Riley, St. John, Wallace, and Young—15.

And so said motion was carried in the affirmative.

Mr. St. Clair presented a joint resolution of the general assembly, relative to the sergeant-at-arms; which was read the first and second times, the rules of the house having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Dufour moved to take up the bill to encourage the raising of sheep.

Which motion was carried in the affirmative.

Mr. Lemon moved that said bill be committed to a committee of the whole house and made the order of the day for to-morrow.

Which motion was decided in the negative.

Mr. Read moved to postpone the further consideration of said bill until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows viz:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Brown, Child, Deming,

Dunn, Elliott, Finley, Hendricks, Lemon, Lomax, Long, Lynd, Matlock, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Pollock, Read, Ritchey, Robb, Slaughter, St. Clair, Steele, Stewart, Taylor and Worth—29.

And those who voted in the negative are,

Messrs. Allen, Blair Boon, Craig, Crume, Dufour, Dumont, Frisbie, Goodhue, Hillis, Judah, Kinnard, Levenworth, Leviston, Marshall, Morris, Orr, Riley, Sample, St. John, Sweetser, Trafton, Wallace, Welburn, Work, Young and Howk, Speaker—27.

And so said motion was carried in the affirmative.

The joint resolution relative to an alteration of the constitution of the United States on the subject of electing a president of the United States, was read a second time; and,

On motion of Mr. Robb,

Committed to a committee of the whole house tomorrow.

The joint resolution relative to an amendment of the constitution of the United States upon the subject of the election of president of the United States was read the second time; and,

On motion of Mr. Robb,

Committed to the same committee of the whole house to whom was referred the foregoing joint resolution.

The bill concerning the town of Utica was read the second time and ordered to be engrossed and read a third time to morrow.

The engrossed bill from the senate entitled, an act declaring Beanblossom creek a public highway, was read a second time, and committed to a committee of the whole house to morrow.

The bill to relocate part of the state road from Winchester to Indianapolis, was read a second time

and ordered to be engrossed for a third reading to-morrow.

The bill to amend the act entitled,

An act subjecting real and personal estate to execution, approved January 30th, 1824, was read a second time, and committed to a committee of the whole house to-morrow.

The engrossed joint resolution relative to the agent of the three per cent. fund was read the third time.

Mr. Robb moved to recommit said joint resolution to a select committee, with instructions so to amend the same as to allow said agent three per centum upon all monies received and paid out by him, instead of five per centum as in said joint resolution proposed.

Mr. Sample moved to amend the instructions, so as to give said agent a sum certain per annum.

Which motion was decided in the negative.

And the question recurring on the motion of Mr. Robb, the same was carried in the affirmative.

When,

The speaker appointed Messrs. Robb, Boon and Work that committee.

The engrossed bill to establish a state road from Rushville, in Rush county, to Lawrenceburgh, in Dearborn county was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate continue to insist upon their disagreement to the proposed amendments of the house of representatives to the amendments

proposed in senate to the engrossed bill from the house of representatives entitled,

An act to authorize the county surveyors to obtain copies of the field notes of the original corners of lands in their respective counties; and has appointed Messrs. Gregory and Milroy a committee of free conference on the part of the senate, to confer with a similar committee appointed on the part of the house of representatives, on the subject matter of disagreement between the two houses, relative to the proposed amendments.

The engrossed bill making appropriations for the payment of the commissioners and other persons employed in surveying and marking a state road from Lake Michigan to Indianapolis, was read the third time.

Mr. Bassett moved to recommit said bill to a select committee.

Which motion was decided in the negative.

And the question recurring on the passage of said bill, the same was carried in the affirmative.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The house then adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The engrossed bill establishing a state road from Grandison Thomas's farm, in Daviess county, to intersect the state road at or near the farm of Richard Weaver, in said county, was read the third time and passed.

Ordered, That the same be entitled An act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill altering the line dividing the

counties of Jefferson and Scott, was read the third time

Mr. Goodhue moved that said bill lie on the table.

Which motion was carried in the affirmative.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has adopted the following resolution, to wit:

Resolved by the senate, (the house of representatives concurring therein,) That the sergeant-at-arms proceed forthwith to Madison, in the county of Jefferson, and inform Jeremiah Sullivan of his appointment as a commissioner on the part of the state of Indiana, to make all necessary arrangements with a commissioner, that may be appointed on the part of the state of Ohio, concerning a grant of land, granted by the United States to the state of Indiana, for the purpose of constructing a canal to connect at navigable points, the waters of the Wabash and Maumee rivers, agreeable to the true intent and meaning of a joint resolution passed at the present session of the general assembly, approved Jan. 5, 1829; and that said commissioner be furnished by his excellency, the governor, with a copy of the said joint resolution, and all other documents necessary for such negotiation.

On motion of Mr. Sweetser,

Resolved, That the house of representatives concur in the resolution from the senate, relative to the sergeant-at-arms proceeding forthwith to Madison, to inform Jeremiah Sullivan of his appointment as commissioner to the state of Ohio, on the subject mentioned and set forth in said resolution.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Worth,

The following persons were added to the select

committee on the resolution presented this morning by Mr. Goodhue, viz:

Messrs. Boon, Steele, Wallace, Hillis, Trafton, Pollock, Deming, St. John and Dunn.

The house resolved itself into a committee of the whole on the whole on the bill concerning the Wabash and Miami canal, and the report of the committee on canals and internal improvements on that subject; and after some time spent therein, the speaker resumed the chair, and Mr. Lemon reported progress and asked leave to sit again.

Which leave was granted by the house.

The house resolved itself into a committee of the whole on the engrossed bill from the senate entitled an act supplementary to an act to establish a levee to preserve the road leading from Vincennes to the lower prairie near the Wabash river; and after some time spent therein, the speaker resumed the chair, and Mr. Leviston reported the same without amendment.

Said bill was then ordered to a third reading tomorrow.

A message was received from his excellency, the governor, by Mr. Quarles, his private secretary, announcing that he did on this day approve and sign—

An act to authorize the board of justices of Bartholomew county, to levy an additional tax; which originated in the house of representatives.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, January 7th, 1829.

The house met pursuant to adjournment.

Mr. Long presented a petition of James Scott and

others, citizens of Madison county, praying a re-location of the road from Newcastle in Henry county to Lafayette in Tippecanoe county, so as to make Noblesville in Hamilton county a point in said road.

Which was read, and referred to the committee on roads.

Mr. Matlock presented a petition of Samuel Wick and others, citizens of Hendricks county, praying a re-location of part of the state road from Indianapolis to Montezuma.

Which was read and referred to the committee on roads.

Mr. Taylor presented a petition of Joseph Weir and others, citizens of Fountain county, praying a change in the mode of doing county business.

Which was read and referred to the same committee of the whole house to which is referred the bill changing the mode of doing county buiness in the county of Wayne.

Mr. Marshall presented a remonstrance of Stephen Cox and others, citizens of Jackson county, against the location of a road from the falls of Driftwood to the falls of the Ohio river.

Which was read and ordered to lie on the table,

Mr. Sweetser, from the committee on the judiciary, to whom was referred a resolution of this house. relative to licences of grocers and dry good sellers, reported, that they have had the same under their consideration, and have directed him to report, that it is inexpedient further to legislate on that subject.

Which report was concurred in by the house.

Mr. Sweetser, from the committee on the judiciary to whom was referred a resolution of this house on that subject, reported a bill to amend the act entitled an act authorizing the arresting and securing fugitives from justice, approved January 22, 1824.

Which was read the first time and passed to a second reading to-morrow.

Mr. Robb, from the select committee to whom was recommitted the engrossed joint resolution relative to the agent of the three per cent fund, reported the same with two amendments.

Which were twice read and agreed to by the house.

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

Mr. Goodhue, from the select committee to whom was re-committed the engrossed bill to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington, reported the same with one amendment.

Which was twice read and concurred in by the house.

Said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Marshall, from the select committee to whom was referred the petition of sundry citizens of Henry county, praying to be attached to the county of Wayne, reported a bill to repeal an act entitled an act to establish the eastern boundary of Henry county, approved January 11th, 1827.

Which was read the first time and passed to a second reading to-morrow.

Mr. Hendricks, from the select committee to whom was referred the petition of Micajah Rutherford and others, citizens of Shelby county, praying to attach part of said county to the county of Decatur, reported, that they have had the same under consideration, and have instructed him to report, that it is inexpedient to legislate further on that subject at this time.

Which report was concurred in by the house.

On motion of Mr. Craig,

Resolved, That the committee on education be instructed to report a bill to this house, prohibiting the trustees of county libraries from allowing them-

selves any compensation for their services as trustees of said institution, out of the funds of said libraries.

On motion of Mr. Hillis,

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to enquire into the expediency of vacating all that part of south street which lies between Illinois and Meredian street, between block 96 and out lot No. 15, in said town.

Mr. Boon moved to add the following persons to the committee on the resolution presented by Mr. Goodhue on yesterday morning, viz: Messrs. Riley, Young, Finley and Kinnard.

Which motion was carried in the affirmative.

Mr. Sweetser, after having obtained leave, presented a joint resolution relative to monies due the state by the securities of Wm. H. Moore, late collector of Clark county, and against the estate of Reuben W. Nelson of said county, deceased.

Which was read the first time and passed to a second reading to-morrow.

Mr. Kinnard moved to take up the bill authorizing the agent of state for the town of Indianapolis to procure a fire engine for the preservation of the public and other buildings in said town.

Which motion was decided in the negative.

Mr Stewart moved to take up the engrossed bill attaching part of the county of Clark to the county of Floyd.

Which motion was carried in the affirmative.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Brown, Craig, Goodhue, Hendricks, Ju-

dah, Kinnard, Levenworth, M'Intire, Moyer, Pollock and Stewart—11.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Boon, Child, Dufour, Dumont, Dunn, Finley, Frisbie, Hillis, Lemon, Lomax, Long, Lynd, Matlock, Marshall, Morris, M'Pheeters, Orr, Pabody, Palmer, Pennington, Read, Riley, Ritchey, Robb, St. Clair, St. John, Steele, Sweetser, Taylor Trafton, Wallace, Worth, Young and Howk, Speaker—37.

And so said bill was lost.

On motion of Mr. Moyer,

The engrossed bill to authorize John Hollowell to sell and convey certain real estate, was taken up and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The bill to authorize a re-location of part of the state road from Indianapolis to Crawfordsville, was read a second time and ordered to be engrossed and read a third time to-morrow.

The bill to authorize the trustees of the first Presbyterian church in the the town of New Albany to sell and convey certain real property belonging to said church, was read second time and ordered to be engrossed and read a third time to-morrow.

The bill to relocate so much of the Centreville state road as runs through the town of Greenfield, the seat of justice of Hancock county, was read a second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill concerning the town of Utica, was read the third time and ordered to lie on the table.

The engrossed bill from the senate supplementary

to an act entitled an act to establish a levee to preserve the road leading from Vincennes through the lower prairie, near to the Wabash river, approved January 5th, 1828, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill to relocate part of the state road leading from Winchester to Indianapolis, was read a third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The house resolved itself into committee of the whole on the bill concerning the Wabash and Miami canal; and after some time spent therein, the speaker resumed the chair, and Mr. Lynd reported the same with sundry amendments; which were concurred in by the house generally.

Said bill was then ordered to be engrossed and read a third time on to morrow.

Mr. St. Clair from the joint committee for enrolled blls reported, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act for the apportionment of senators and representatives in the counties and territory therein named;

An act to locate a state road from New-Castle to Crawfordsville;

An act to locate and open a state road from Indianapolis to Lafayette in the county of Tippecanoe, and for other purposes;

An act to establish a state road from or near Brownsville by the way of Waterloo and Milton to intersect the state road leading from Centreville to Indianapolis; and,

A joint resolution on the subject of the right which

the state of Indiana has to the unappropriated lands within her boundaries.

The house then resolved itself into a committee of the whole on the bill authorizing the sale of the school lands, and for other purposes; and after some time spent therein, the speaker resumed the chair, and Mr. Matlock reported progress and asked leave to sit again; which leave was granted by the house.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed engrossed bills of the house of representatives of the following titles, to wit:

An act to form an addition circuit, to be called the sixth judicial circuit;

An act to cause the state road leading from New Albany, in Floyd county, through Corydon and Fredonia, to Princeton, to be opened;

An act to change a part of the state road from New-Albany to Vincennes;

An act to establish a state road from Madison, in the county of Jefferson, to Lawrenceburgh, in the county of Dearborn;

In all of which bills the concurrence of the house of representatives is requested.

The senate has also passed engrossed bills of the house of Representatives, of the following titles, without amendment, to wit:

An act to authorize the surveying and marking the boundary line between the counties of Clark and Scott;

An act providing for the opening of a state road in the county of Allen;

The senate also has passed an engrossed joint resolution relative to the three per cent. fund, from the house of representatives, without amendment.

The said engrossed bills from the senate, were severally read the first time and passed to a second reading to-morrow.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournmet.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled acts, viz:

An act to establish a state road from a point on the line dividing the states of Indiana and Illinois, in the direction to Vandalia, in the state of Illinois, by the way of the points therein named, to Greensburgh, in Decatur county;

An act for viewing and laying out a state road from Bono, via Bedford, to Terre-Haute;

An act supplemental to an act entitled an act to incorporate county libraries, approved January 28, 1824.

And find the same truly enrolled; when,

The speaker signed said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The house resolved itself into a committee of the whole on the engrossed bill from the senate, to amend an act entitled an act relative to crimes and punishments; and the bill making certain trespasses therein named penal offences; and after some time spent therein, the speaker resumed the chair, and Mr. Marshall reported progress, and asked leave to sit again.

Which leave was refused by the house.

Mr. Robb then moved that the further consideration of the first named bill be indefinitely postponed.

And the aves and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Craig, Frisbie, Goodhue, Hillis, Judah, Marshall, M'Pheeters, Moyer, Pabody, Palmer, Pollock, Riley, Robb, St. Clair, Stewart, Work and Worth—19.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Brown, Child, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Hendricks, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, M'Intire, Morris, Orr, Pennington, Read, Ritchey, Sample, Slaughter, St. John, Steele, Sweetser, Taylor, Trafton, Wallace, Young and Howk, speaker—36.

And so said motion was decided in the negative.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, January 8th, 1829.

The house met pursuant to adjournment.

Mr. St. Clair presented a petition of Jacob Hayes, a citizen of Dearborn county, praying a divorce from his wife Nancy, (late Nancy Hayes.)

Which was read and referred to a select committee of Messrs. St. Clair, Marshall, Pollock and Trafton.

Mr. Slaughter presented the claim of H. W. Heth, of Harrison county, against the state.

Which was read and referred to the committee on claims.

Mr. Deming moved to take up the report of the committee of propositions and grievances, relative to the petition of Douglas M'Henry.

Which motion was decided in the negative.

Mr. Taylor, from the select committee to whom was referred the petition of William Russell and others, citizens of Warren county, reported a bill to provide for the relocation of the seat of justice of said county.

Which was read the first time and passed to a second reading to-morrow.

Mr. Goodhue, from the select committee to whom was referred a resolution of this house on the subject of unfortunate women, reported a bill granting relief in certain cases therein named.

Which was read the first time; when,

Mr. Dunn moved to reject said bill.

Which motion was carried in the affirmative.

On motinn of Mr. Matlock,

Resolved, That the committee on elections be instructed to enquire into the expediency of authorizing the citizens of Hendricks county to hold an election on the first Monday in April next, for the purpose of electing county commissioners in said county.

On motion of Mr. Craig,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of appropriating a sum of money, out of the funds arising from the sale of lots in said town, sufficient to fill up the old well in the court house square.

Mr. St. Clair from the joint committee for enrolled bills reported, that they did on this day, present to his excellency, the governor, for his approval and

signature, the following enrolled bills entitled acts, to wit:

An act for viewing and laying out a state road from Bono, via Bedford, to Terre-Haute;

An act supplemental to an act entitled an act to incorporate county libraries, approved January 28th, 1824;

An act to establish a state road from a point on the line dividing the states of Indiana and Illinois, in the direction to Vandalia, in the state of Illinois, by the way of the points therein named, to Greensburgh, in Decatur county.

Mr. Kinnard moved to take up the bill authorizing the agent of the state for the town of Indianapolis, to procure a fire engine for the preservation of the public and other buildings in said town.

Which motion was carried in the affirmative.

Mr. Kinnard then moved to recommit said bill to a committee of the whole house and make it the order of the day for the present time.

Which motion was carried in the affirmative.

The house then resolved itself into committee of the whole on said bill; and after some time spent therein, the speaker resumed the chair, and Mr. M'-Intire reported the same with sundry amendments; which were concurred in by the house generally.

Ordered, That said bill be engrossed and read a third time to-morrow.

Mr. Dunn presented a bill to amend the act entitled an act providing for the incorporation of towns.

Which was read the first time and passed to a second reading to-morrow,

Mr. Lemon moved to take up the bill concerning the town of Utica.

Which motion was carried in the affirmative.

And the question being then put, Shall said bill pass? The same was carried in the affirmative.

Ordered, That the same be entitled an act, and

that the clerk carry the same to the senate and ask their concurrence therein.

Mr. Lemon moved to take up the bill for opening and repairing public roads and highways.

Which motion was carried in the affirmative.

Mr. Child moved to recommit said bill to the committee on roads, with instructions to amend the same, by striking out that part which embraces the road law now in operation; and also, so to amend the same, so as not to alter the present mode of appointing township officers.

Mr. Goodhue moved to amend the instructions, so as to make it the duty of the clerk, in making out the duplicate of taxes, to add the road tax of residents, in the same manner as is now provided in case of non-residents; but that, in the collection, the receipts of the supervisors of any road district, in which the property is situated, shall be received in lieu of money, otherwise to be collected as other taxes are; and to be paid over to the county treasurer, for the benefit of the several districts from which they were collected.

Which motion was decided in the negative.

Mr. Levenworth moved to amend said instructions so as to direct said committee to amend the bill so as to make it obligatory upon persons appointed supervisors, to execute the duties of that office, and likewise making it obligatory upon supervisors to lay out, upon the roads in their respective districts, all the work authorized by law, and the whole amount of the road tax so authorized.

Which motion was decided in the negative.

And the question recurring on the motion of Mr. Child, the same was decided in the negative.

Mr. Worth then moved that said bill be committed to a committee of the whole house and made the order of the day for to-morrow.

Which motion was carried in the affirmative.

Mr. Sample moved to re-consider the vote taken on yesterday refusing leave to the committee of the house to which was committed the engrossed bill from the senate entitled,

An act relative to crimes and punishments, and the bill of this house making certain trespasses therein named penal offences, to sit again on said bills.

Which motion was carried in the affirmative.

Leave was then granted to the committee of the whole house to sit again on said bills.

The joint resolution relative to monies due the state by the securities of William H. Moore late collector of Clark county, and against the estate of R. W. Nelson deceased, was read the second and third times and passed, the rules of the house having first been dispensed with.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate entitled, an act to change part of the state road leading from New Albany to Vincennes, was read the second time; and,

On motion of Mr. Read,

The same was ordered to lie on the table.

The bill to amend the act entitled an act authorizing the arresting and securing fugitives from justice, approved January 22, 1824, was read the second time and committed to a committee of the whole house to-morrow.

The engrossed bill from the senate entitled, an act to establish a state road from Madison in the county of Jefferson to Lawrenceburgh in the county of Dearborn, was read the 2d time and passed to a third reading to-morrow.

The engrossed bill from the senate entitled, an act to cause the state road leading from New Albany in Floyd county, through Corydon and Fredonia to Princeton, to be opened, was read the second

time and referred to a select committee of Messrs. Robb, Frisbie and Pennington.

The engrossed bill from the senate entitled, an act to form an additional circuit to be called the sixth judicial circuit, was read the second time and committed to the same committee of the whole house to which is committed the bill to amend the act entitled an act organizing circuit courts and defining their powers and duties, approved, January 30th, 1824.

The bill to repeal an act entitled an act to establish the eastern boundary of Henry county, approved, January 11th, 1827, was read the second time and laid on the table.

The engrossed joint resolution relative to the segeant at arms, was read the third time and laid on the table.

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, January 9th, 1829.

The house met pursuant to adjournment.

The speaker laid before the house the remonstrance of Frederick Sholtz and others, of Martin county, against changing that part of the state road leading from Vincennes to New Albany, from Abraham Mericles' through the town of Hindostan to a place called Clark's Stand, on the Black Oak Ridge, which was read and ordered to lie on the table.

Mr. Crume presented a petition of John and Jeremiah A. Wilson, of the county of Fayette, executors of Jacob Wilson deceased, praying authority to sell and convey certain lands therein named, the property of their testator, which was read and referred

to a select committee of Messrs. Crume, Leviston, Child and Sample.

Mr. Taylor presented a petition of Wm. M. Douglass and others, citizens of Tippecanoe county, praying a relocation of that part of the state road leading from Newcastle in Henry county to Lafayette in Tippecanoe county, commencing where said road as now located, enters Clarks', or the twelve mile prarie, thence the nearest and best route to Lafayette.

Which was read and referred to the committee on roads.

Mr. St. Clair, from the select committee to whom was referred the petition of Jacob Hayes, reported a bill to divorce Jacob and Nancy Hayes, which was read the first time; when,

Mr. Dumont moved to reject the same.

Which motion was carried in the affirmative.

Mr. Long moved to re-consider the vote taken on concurring in the report of the committee on claims, concerning the claims of certain officers and witnesses, summoned on a court martial for the trial of Col. William Hinton.

Which motion was decided in the negative.

Mr. Robb, from the select committee to whom was referred the bill to cause the road leading from New Albany through Corydon and Fredonia to Princeton to be opened, reported the same with sundry amendments, which were twice read and concurred in by the house.

Mr. Hillis then moved to re-commit said bill to a committee of the whole house for to-morrow.

Which motion was carried in the affirmative.

Mr. Brown presented the following resolution, viz:

Resolved, That this house will adjourn *sine die* on the 24th January instant, and that the senate be informed thereof, and a similar resolution on their

part requested, which was read, and on motion of Mr. Craig, was ordered to lie on the table.

Mr. Judah presented the claim of Abraham Westfall, collector of Knox county, for monies by him overpaid into the state treasury.

Which was read and referred to the committee on claims.

Mr. Levenworth, after having obtained leave, presented a bill to authorize a clay turnpike to be constructed from the town of Levenworth twenty miles or more in the direction of Indianapolis.

Which was read the first time and passed to a second reading to-morrow.

The bill to relocate the seat of justice of Warren county, was read second time and ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled an act providing for the incorporation of towns, was read a second time.

Mr. Lemon moved that said bill be committed to a committee of the whole house for to-morrow.

Which motion was carried in the affirmative.

The engrossed bill concerning the Wabash and Miami canal, was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed joint resolution to increase the salary of the agent of the three per cent. fund, was read a third time and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am requested by his excellency, the governor to

inform the house of representatives that he did on this day approve and sign—

An act to locate and open a state road from Indianapolis to Lafayette in the county of Tippecanoe, and for other purposes;

An act to establish a state road from or near Brownsville by the way of Waterloo and Milton to intersect the state road leading from Centreville to Indianapolis; and,

A joint resolution on the subject of the right which the state of Indiana has to the unappropriated lands within her boundaries.

All of which originated in the house of representatives.

The engrossed bill to vacate so much of the Centreville state road as runs through Greenfield in Hancock county;

The engrossed bill to authorize the relocation of part of the state road from Indianapolis to Crawfordsville;

The engrossed bill to authorize the board of justices of Scott county, to sell a part of the public square in the town of Lexington; and,

The engrossed bill authorizing the trustees of the first Presbyterian church in the town of New Albany to sell and convey the real property of said church; were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill from the senate entitled, an act to establish a state road from Madison, in the county of Jefferson, to Lawrenceburgh, in the county of Dearborn; was read a third and passed without amendment.

Ordered, That the clerk inform the senate thereof.

The engrossed bill to authorize the agent of state

for the town of Indianapolis, to procure a fire engine for the preservation of the public and other buildings in said town, was read the third time; the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Child, Craig, Crume, Deming, Dufour, Dumont, Dunn, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pollock, Read, Riley, Robb, Sample, Slaughter, St. John, Steele, Stewart, Sweetser, Taylor, Trafton, Welburn, Young and Howk, speaker—41.

And those who voted in the negative are,

Messrs. Bassett, Boon, Brown, Elliott, Frisbie, Lemon, Levenworth, Leviston, Lomax, Long. Pennington, Ritchey, St. Clair, Wallace, and Worth —15.

And so said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate, and ask their concurrence therein.

The house resolved itself into a committee of the whole on the engrossed bill from the senate, entitled an act to amend an act relative to crimes and punishments, and the bill of this house making certain trespasses therein named penal offences; and after some time spent therein, the speaker resumed the chair, and Mr. Morris reported the first named bill with sundry amendments, and the last named bill without amendment, the amendments to the first named bill were severally read and agreed to by

the house, except the second and third amendments, which were disagreed to by the house.

Mr. Pennington moved further to amend said bill by adding an additional section thereto, which reads in the words following, viz:

"Or if any person shall strike, kick, beat or molest any other person or persons, who are striving by lawful means to suppress a riot, rout or affray or breach of the peace; the person or persons so offending, shall be fined by presentment or indictment, in any sum not less than ten dollars nor more than one thousand."

Which motion was decided in the negative.

Mr. Robb moved further to amend said bill in the 8th section, by inserting after the words "guide board," the following, to wit: "erected by any commissioner or supervisor of said road, or their order."

Which motion was carried in the affirmative.

Mr. Crume moved so to amend the same in the 4th section, as to limit the punishment to not less than one instead of two years in the state prison in cases of grand larceny.

Which motion was decided in the negative.

Mr. Pennington moved to re-consider the vote taken on striking out the words two dollars, and inserting five dollars, as the sum distinguishing grand from petit larceny.

Which motion was decided in the negative.

Mr. Levenworth moved so to amend said section as to confine the punishment in cases of petit larceny to imprisonment in the state prison instead of the county jail.

Which motion was decided in the negative.

Mr. Palmer moved further to amend the same in 11th line and 4th section, so as to authorize the jury to imprison in the county jail, or state prison at their discretion in cases of petit larceny.

Which motion was carried in the affirmative.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournmet.

The house resumed the consideration of the engrossed bill from the senate, entiled an act to amend the act relative to crimes and punishments.

Mr. Dufour moved further to amend said bill by adding as an aditional section thereto, thefollowing, viz:

"That any person who shall cut down any tree growing or standimg on any of the school sections, or sections numbered 16, or on the land of any other person or persons within this state, or who shall take and carry away any tree in the form of saw log, rail cut or cord wood, or who shall take and carry away from any fence any rail or post being standing on any of the aforesaid school lands, or land of any other person, shall upon conviction thereof by indictment, be fined in any sum not exceeding double the value of such tree, saw log, rail cut, rails, or posts, so cut down or taken and carried away as aforesaid.

Which motion was decided in the negative.

Mr. Palmer moved further to amend said bill in the 4th section in the 11th line, so that imprisonment in the state prison shall not exceed one year in cases of petit larceny.

Which motion was carried in the affirmative.

The amendments to said bill were then ordered to be engrossed, and with said bill read a third time to-morrow.

The bill making certain trespasses therein named penal offences, was ordered to lie on the table.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has passed engrossed bills from the house of representatives, entitled acts, to wit:

An act to establish a state road from Grandison Thomas's farm, in Daviess county, to intersect the state road at or near Richard Weaver's in said county, without amendment; and,

An act to authorize William Youse to build a toll bridge across the east fork of Whitewater river, with one amendment.

In which the concurrence of the house of representatives is requested.

The amendment proposed by the senate to the last named bill was read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

The house resolved itself into a committee of the whole on the bill relative to school lands, and for other purposes; and after some time spent therein, the speaker resumed the chair, and Mr. M'Pheeters reported progress, and asked leave to sit again.

Which leave was granted by the house.

The house then adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, January 10, 1829.

The house met pursuant to adjournment.

Mr. Marshall, from the committee on military affairs, to whom was referred a resolution of this house on the subject of fines assessed and collected

from persons conscientiously scrupulous of bearing arms, reported a bill supplementary to the act regulating the militia of the state of Indiana.

Which was read the first time and passed to a second reading on Monday next.

Mr. Boon, from the committee on claims, to whom was referred the claim of H. W. Heth, clerk of the circuit court of Harrison county, and of the sheriff of said county, for their services in a suit instituted in said court, by Thomas Posey, governor of the territory of Indiana, against John Hurst, collector of Harrison county, and his securities, reported that they have had the same under consideration, and have instructed him to report that it is inexpedient to allow them their claims.

Which report was read and laid on the table.

Mr. Lomax, from the committee on roads, to whom was referred a petition on that subject, reported a bill to relocate part of the state road leading from New-Castle to Lafayette.

Which was read the first time and passed to a second reading on Monday next.

Mr. Lomax, from the same committee to whom was referred the petition of Samuel Wick and others, praying a relocation of part of the road leading from Indianapolis to Montezuma, reported that they have had the same under consideration, and are of opinion that it is inexpedient to legislate on that subject at this time.

Mr. Matlock moved to lay said report on the table.

Which motion was carried in the affirmative.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled acts, viz:

An act providing for the opening of a state road in the county of Allen;

An act to authorize the surveying and marking

the boundary line between the counties of Clark and Scott; and,

A joint resolution relative to the three per cent. fund.

And find the same truly enrolled; when,

The speaker signed said bills and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Sweetser made the following report, viz:

Mr. Speaker,

The committee of free conference, appointed on the subject matter of difference between the two houses, on the bill to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties, have agreed to strike out the amendments made by the house of representatives, and insert the following in lieu thereof:

Sec. "That the surveyor in each county shall procure a well bound book, in which he shall record, in a fair hand, a true copy and plat of the surveys and establishment of each corner that he may establish, and also each corner that he may re-establish where the original may have become obliterated; which book and record shall at all times be open for the inspection of those persons concrened; and if he should at any time be called on for a copy or plat of such survey, for every such copy he shall be entitled to the sum of twenty-five cents, to be paid by the person applying for the same."

And the committee agree to amend the amendment made by the senate, by inserting in the first section, after the word "register," "or surveyor general's office;" and after the word "surveyed," in the same section, "together with the plat of each township, the length of each line, and the amount contained in each section and fractional section,"

Mr. Pennington moved to lay said report on the table.

Which motion was decided in the negative.

The question being put to concur in said report,

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Brown, Dumont, Leviston, Orr, St. Clair, Sweetser, Taylor and Welburn—8.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Child, Craig, Crume, Deming, Dufour, Dunn, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Robb, Sample, Slaughter, St. John, Steele, Stewart, Wallace, Work, Worth, Young and Howk, speaker —49.

And so the house refused to concur in said report.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Palmer,

Resolved, That a second committee of free conference be appointed on the part of this house, to act with a similar committee to be appointed on the part of the senate, to take into consideration the disagreeing votes of the two houses on the bill to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties; when,

Messrs. Palmer and Child were appointed that committee on the part of the house.

Ordered, That the clerk inform the senate thereof.

Mr. Pabody presented the following preamble and resolution, viz:

WHEREAS, An opinion seems to be prevalent among the people of this state, that annual sessions of the legislature, occasion an expenditure of public money, and other inconveniences without corresponding benefits: Therefore,

Resolved, That the committee on elections enquire into the propriety and expediency of providing by law, for the people, at their next annual election, to express their assent or dissent to a proposition to amend the twenty-fifth section of the third article of the constitution, so that the legislature shall meet biennially only, except when convened by the executive in cases of emergency.

Mr. Craig moved to amend said resolution, so as to make it imperative on said committee to report a bill.

Which motion was carried in the affirmative.

Mr. Trafton moved to amend the same by striking out the word "biennially," and inserting "triennially."

Mr. Long moved to postpone the further consideration of said preamble and resolution until the first Monday in August next.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Child, Craig. Deming, Dufour, Dumont, Dunn, Elliott, Frisbie, Kinnard, Long, M'Intire, M'Pheeters, Moyer, Orr, Pollock, Read, Robb, Sample, Slaughter, Stewart and Wallace —23.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Brown, Crume, Finley, Goodhue, Hendricks, Hillis, Judah, Lemon, Leven-

worth, Leviston, Lomax, Lynd, Matlock, Marshall, Morris, Pabody, Palmer, Pennington, Riley, Ritchey, St. Clair, St. John, Steele, Sweetser, Taylor, Trafton, Welburn, Work, Worth, Young and Howk, Speaker—34.

And so said motion was decided in the negative.

Mr. Read then moved to lay said preamble and resolution on the table.

Which motion was carried in the affirmative.

Mr. Goodhue presented the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the act for the relief of insolvent debtors, approved January 29th, 1924, as not to make it obligatory upon the plaintiff to pay for the support of his debtors as is provided for in the 12th section of said act, where the debtor has taken the prison bounds, and where said prisoner can obtain sufficient wages for his labor to support himself.

Mr. Frisbie moved to amend said resolution, by adding at the end thereof, the words following, viz: "and family if he has one."

Which motion was decided in the negative.

The question recurring on the adoption of said resolution, the same was decided in the negative.

Mr. Levenworth presented the following resolution, viz:

Resolved, That the judiciary committee enquire into the expediency of abolishing imprisonment for debt.

Mr. Craig moved to amend said resolution so as to make it imperative on said committee to report a bill.

Which motion was carried in the affirmative.

Mr. Boon moved to amend said resolution, by adding at the end thereof, these words: "and empowering persons to pay no debts, unless they choose."

Which motion was carried in the affirmative.

And on the question to adopt said resolution, the same was decided in the negative.

The bill to authorize a clay turnpike to be constructed from the town of Levenworth, twenty miles or more, towards Indianapolis, was read a second time.

Mr. Hillis moved that the rules of the house be dispensed with, and that the bill be considered as engrossed, and read a third time now.

Mr. M'Pheeters moved to amend said bill in the first section, by adding at the end thereof, the following, viz: *Provided*, That said road shall not pass into the county of Washington.

Which motion was decided in the negative.

Mr. Lemon moved to postpone the further consideration of said bill until the first Monday in August next.

Which motion was decided in the negative.

Mr. Robb moved to amend said bill in the 6th section, by adding thereto the following proviso, viz: *Provided*, That no toll gate or other obstruction shall be erected on any state road or public highway.

Which motion was decided in the negative.

Mr. Slaughter moved to amend said sixth section, by adding at the end thereof, the following proviso, viz:

Provided however, That nothing in this act shall be so construed as to cause any person to pay toll who may travel any state road passing across said turnpike road.

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Hillis, that the rules of the house be dispensed with and that said bill be considered as engrossed and read a third time now.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Craig, Deming, Dunn, Elliott, Frisbie, Hillis, Judah, Kinnard, Levenworth, Leviston, Lomax, Marshall, Morris, Pabody, Palmer, Pennington, Pollock, Read, Ritchey, Robb, Sample, Slaughter, St. Clair, Steele, Sweetser, Wallace, Welburn, Work and Young—31.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Child, Dufour, Dumont, Finley, Goodhue, Hendricks, Lemon, Long, Lynd, Matlock, M'Intire, M'Pheeters, Moyer, Orr, Riley, St. John, Stewart, Taylor, Trafton, Worth and Howk, speaker—24.

And so said motion was decided in the negative; it requiring two thirds of the members present to dispense with the rules of the house.

The said bill was then ordered to be engrossed and read the third time on Monday next.

The engrossed bill from the senate entitled, an act relative to crimes and punishments, was read the third time with its amendments and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

The engrossed bill to re-locate the seat of justice of Warren county, was read a third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate, and ask their concurrence therein.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resolved itself into committee of the whole on the bill to authorize the sale of the school lands and for other purposes; and after some time spent therein, the speaker resumed the chair, and Mr. Moyer reported the same with sundry amendments; which were concurred in by the house generally.

Mr. St. John moved further to amend said bill by striking out the 18th section thereof, which reads in the words following, to wit:

Sec. 18. Whenever any school district shall be organized as in this act provided, and a site selected for a school house, the trustees of such district shall have the power to call on every able bodied male person, of the age of twenty-one years and upwards, residents of said district, to work on said house one day in each week, until the same shall be completed; the work to be done by, and under the direction of the trustees; and should any person neglect or refuse to perform the labor so required, after being duly notified by the trustees, such person shall pay to the trustees for each and every day they may so neglect or refuse, fifty cents in cash, or any materials necessary for the building of said school house as the trustees shall direct; and should any person neglect or refuse to work or pay in manner aforesaid, the trustees may collect the amount due from such person so neglecting or refusing, by action of debt before any justice of the peace within the county, and apply the same in the completion of the school house as aforesaid; and should the citizens determine not to buld a school house, but should nevertheless agree to have a school in their district, the trustees shall have the power to rent a suitable

house within the district, in which the school shall be kept. The rent to be paid in such manner as the district shall direct.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Child, Crume, Deming, Dumont, Hendricks, Kinnard, Lemon, Leviston, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Read, Riley, Robb, Sample, St. Clair, St. John, Steele, Stewart, Taylor, Trafton, Wallace, Work, and Howk, sp'r—33.

And those who voted in the negative are,

Messrs. Bassett, Brown, Craig, Dufour, Dunn, Elliott, Finley, Frisbie, Goodhue, Hillis, Judah, Levenworth, Long, Matlock, Orr, Pabody, Palmer, Ritchey, Slaughter, Sweetser, Welburn, Worth and Young—23.

Which motion was carried in the affirmative.

Mr. Dunn moved further to amend said bill by striking out the 20th section thereof, which reads in the words following, viz:

Sec. 20. *Be it furthr enacted*, That an act, approved January 31, 1824, entitled an act incorporating the congressional townships and providing for public schools therein; and the act amendatory thereto, approved, February 12th, 1825, be, and the same are hereby repealed.

Which motion was decided in the negative.

Mr. Long moved further to amend said bill in the 7th section and 26th line, by inserting after the word "trustees," the words following, viz: "or any other person."

Which motion was carried in the affirmative.

Mr. Dunn moved further to amend said bill by adding as an additional section thereto, the words following, viz:

"That there shall be a tax of one dollar charged on each marriage license, which shall be paid over to the county treasurer, by the clerk issuing such license; which sums so received, shall be loaned as aforesaid, and the interest therefor, divided among the several townships in the county according to the number of schools taught therein."

Which motion was decided in the negative.

Mr. Goodhue moved further to amend said bill by adding as an additional section thereto, the words following, viz:

"*And be it further enacted*, When any school section shall lie a part in one county, and a part in another, that the trustees of said township may select either of said counties as the place of deposit for their funds."

Which motion was carried in the affirmative.

Mr. Levenworth moved further to amend the said bill in the 7th section, so as to require one fourth of the amount of sales of the school lands to be paid down, and interest annually in advance on the ballance.

Which motion was carried in the affirmative.

Mr. Craig moved further to amend said bill by striking it out from its enacting clause, which reads in the words following, viz:

"Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each and every congressional township within this state shall be, and the same is hereby constituted a body politic and corporate, and in their corporate name and capacity, may sue and be sued, plead and be impleaded, in any court of competent jurisdiction.

Sec. 2. *Be it further enacted*, That any five of the freeholders in any township may call a meeting of the inhabitants, by notifying the same in writing, to be posted up in three of the most public places in their township, at least twenty days prior to the time

of such meeting—the meeting to be held on the section reserved for the support of schools, or as near thereto as a convenient place can be had; and in case a majority of the qualified voters of the township should be present, shall proceed to determine by vote whether they will sell the said reserved section or not; which election shall be conducted in the same way as is directed by the law regulating the election of state and county officers: And should a majority of the qualified voters be in favor of a sale, the clerks of the meeting shall, within ten days, certify the same under oath, to the treasurer of their respective counties: *Provided*, That such election shall not be had, unless there shall be at least 20 actual voters within the township.

Sec. 3. The electors of the township shall at such meeting, elect three trustees, who shall be freeholders or householders of the township; who shall severally hold their offices for one year, and until their successors shall be duly elected and qualified; which elections shall be annually on the first Monday in September; but in case no election shall be held on that day, the same may be held on any subsequent day, notified in the manner aforesaid, ten days prior to such elections.

Sec. 4. The trustees so elected shall be denominated the trustees of congressional township No. , Range , and be severally sworn to the faithful discharge of the duties by this act enjoined upon them: They shall appoint a township clerk for the time being, who shall be sworn in like manner as the trustees.

Sec. 5. Should a majority of the voters in any township be in favor of the sale of the reserved section, the trustees shall proceed to sell the same at public auction, to the highest bidder, in such divisions and lots, as will best suit the purchasers, and ensure the best price for said land: The trustees

shall fix a minimum price on said land before the sale; which shall in no case be less than one dollar and twenty-five cents per acre; and no sale of any of said lands shall be for a less sum than the minimum price aforesaid.

Sec. 6. The trustees shall, before they proceed to sell the land, give public notice thereof at least thirty days previous to such sale, by posting up the same in writing in three or more of the most public places in the township; and also by causing the same to be published in some public newspaper, should there be one in the county; and if not, then at the court house door, and such other places within the county as they may deem proper; the sale to be at, or as near the premises as convenience will admit, between the hours of ten o'clock A. M. and six o'clock P. M., and may be adjourned from day to day, as the trustees may direct, until the sale shall be completed: The township clerks shall be clerks of the sales aforesaid, and shall record the same in their respective township books, and also return a true copy thereof to the treasurer of their respective counties, within five days from and after the sale as aforesaid.

Sec. 7. The trustees shall require one fourth of the amount of sales, and interest on the balance, to be paid at the time of the sale, and one fourth of the principal: *Provided*, That it shall be at the option of the purchaser to give bond and security for the said fourth part of the principal, payable in one year, with interest annually in advance—the bond and security to be approved by the trustees—the sureties to be at least two freeholders of the county; and in case the said fourth part shall exceed one hundred dollars, in addition to the sureties aforesaid, it shall be secured by mortgage on real estate other than the premises sold. The remaining three fourths of the sum to be on a credit of any length of time to

suit the purchaser, his heirs or assigns, with interest annually payable in advance, at the commencement of each year; and on a failure to pay the interest for the space of six months after it shall have become due, the tract of land on which the interest may be due shall be forfeited to the township, as also the benefit of the contract by which it shall be held; and the township shall have a right forthwith to hold and possess such lands; and all purchasers, their heirs and assigns, after failing to pay the interest due in advance as aforesaid, shall from thenceforth be considered as tenants at will, only; and if he, she or they, after that time, shall commit any unnecessary waste upon the premises occupied, and upon which the interest has not been paid as aforesaid, it shall be the duty of the clerk of the proper township, to commence, in his own name, for the use of the township, an action of trespass, before some justice of the peace in the county where the land lies; and if on trial the clerk shall recover a judgment, such judgment shall justify and authorize him to take immediate possession of the tract of land in question, by calling to his assistance, if necessary, the *posse comitatus*; and from that time the township shall of right hold and possess such land: *Provided*, That whenever the trustees or any other person of any township may have leased said reserved section under any former act of the legislature, the lessee shall have the right to hold the land agreeably to such lease, or to surrender the same for sale as aforesaid, at his option; and in all cases when the said lands may have been leased in an illegal form, and the lease thereby void, it shall be at the option of the trustee to confirm said lease or to pay the lessee for his improvements made thereon.

Sec. 8. The several township clerks shall, before they enter upon the duties of their office, give bond and security in the sum of four thousand dollars, by

two or more responsible freeholders, conditioned for the faithful performance of the duties by this act required; which bond shall be made payable to the trustees of the proper township, and be a lien upon the real estate of the obligors, and have the like force and effect of judgments rendered by the circuit court: The clerks shall keep a fair record of all the township meetings, and of the proceedings, acts and orders of the trustees, in a book to be furnished by the township for that purpose; and all notes, bonds and mortgages taken for any moneys due the township, shall be in the name of the township clerks and their successors, by the direction and order of the trustees; and all certificates to the purchasers of the lands aforesaid, shall be signed by the clerk, specifying therein that it is by order of the trustees of the proper township.

Sec. 9. The trustees shall, within thirty days after their election aforesaid, or as soon thereafter as may be, divide their respective townships into proper school districts in numerical order; and may from time to time alter and change such districts, whenever the interest and convenience of the citizens shall require it: They shall, in the month of September next after the organization of the townships as aforesaid, and annually thereafter in the month of September, cause an enumeration to be made of all the persons within the township, between the ages of four and twenty-one years, and cause the same to be recorded in the township book, particularly specifying the number in each district separately—and the township clerk shall, within twenty days after the enumeration shall have been so made, deliver a true copy thereof to the treasurer of his county, which shall be sworn to by such clerk.

Sec. 10. The electors of the several districts may meet in their respective districts at any time after division of the townships as aforesaid, on the appli-

cation of three or more freeholders or householders, being residents of the districts; which application shall be made in writing, and posted up in three or more of the most public places in the district, particularly specifying the time and place of such meeting: The electors of the district shall, when met agreeable to such notice, proceed to elect three trustees and one clerk; which election shall be conducted in the same manner as is by law for the election of township and county officers: They may determine by vote the site for a school house, its form, and the materials with which it shall be built—whether they will have a school, and for what length of time. The trustees and clerk shall hold their offices for one year, and until their successors shall be chosen and qualified, and shall severally take an oath faithfully to perform the duties by this act enjoined upon them: The several school districts, after being organized in manner aforesaid, shall be constituted bodies corporate and politic, and have and possess all the rights and privileges of a corporation in like manner with the townships aforesaid. The district clerk shall keep a fair record of all proceedings, acts and orders of the trustees, and shall annually in the month of September, take an enumeration of all the persons within his district, between the ages of four, and twenty-one years, and record the same in a book to be kept for that purpose, furnished at the expense of the district, and likewise deliver a certified copy thereof to the clerk of the township, who shall record the same in the record book of the township: The trustees shall have the superintendance of all the concerns of the district, in erecting school houses as hereinafter directed, to employ teachers, and dismiss them if necessary.

Sec. 11. The clerks of the several townships shall pay to the treasurer of their respective counties, all

the monies which have been paid to them as part of the principal arising from the sale of such land, within five days after the receipt thereof, together with the interest paid in advance as aforesaid, and annually thereafter, or as often as monies shall come to their hands, within ten days after the receipt thereof, unless the full amount of the annual accruing interest shall be expended for the support of schools within the townships—and should the expenses of the schools be less than the interest as aforesaid, the overplus only of such interest, shall be paid to the county treasurer. The clerk shall, so often as the bonds become due for the aforesaid fourth part of the principal, proceed to collect the same, or have them renewed, as the trustees shall direct, with like security as required in the first instance.

Sec. 12. The county treasurer shall keep a record of all the returns made to him by the several township clerks within his county, in a proper book to be kept for that purpose, and furnished at the expense of the county; and also open an account current, with each of the townships, particularly specifying what sums may have been received for interest, and what for principal separately: He shall loan all the money received as principal, on a credit of five years, with interest, annually paid in advance; the same to be secured by three or more freeholders, as sureties: *Provided*, That the citizens of the township to whom the money is due, shall in all cases have the preference over any other persons: Bonds to be taken for all such loans, payable to the county treasurer; on which bonds suits may be had and maintained on failure to pay the interest when due: *Provided*, That all moneys loaned for the term of three years or more, and exceeding one hundred dollars, shall be further secured in addition to the sureties as aforesaid, by mortgage on real estate, and also loan the interest which may

be paid to him as aforesaid, on a credit of one year, with interest annually, secured in manner aforesaid, whenever the same shall not be required for the support of schools within the townships to which the said interest shall be due.

Sec. 13. The county treasurer shall pay annually, on the first Mondays of May and September, to the clerks of the several townships, all the moneys due them agreeable to the provision of this act, on their producing the order of the trustees, or a majority of them, of the proper township.

Sec. 14. The county treasurer shall give bond and security in the same manner he is now required by law to do, and subject to the same liabilities, in the penal sum of twenty thousand dollars, conditioned for the faithful execution of the duties by this act required: He shall devise the proper form of the certificate to be given by the township clerks, to the purchasers of the lands aforesaid; which certificates shall specify the land sold, the price thereof, and the amount paid at the sale, or secured as aforesaid: He shall record all such certificates when presented by the purchaser; and as often as payments shall be made thereon, endorse the same on the back thereof, and return said certificate to the rightful owner: All transfers of certificates shall be acknowledged before some person who is by law authorized to take acknowledgements of deeds, and recorded by the treasurer, for which he shall receive from the person presenting the same, twelve and one half cents; and for all other services, he shall be paid out of the county treasury of the proper county, twelve and a half cents for every one hundred words recorded agreeably to the requirements of this act.

Sec. 15. That whenever full payment shall be made for any tract of land sold as aforesaid, the clerk shall execute and deliver by the order of the trustees of the proper township, a deed in fee sim-

ple to the original purchaser, his heirs or assigns, which deed shall be acknowledged and recorded in like manner as other deeds, and have the same force and effect.

Sec. 16. *Be it further enacted*, That the township trustees shall divide the money belonging to the township, arising from the interest on the sale of lands as aforesaid, among the several districts within their townships, agreeable to the enumeration of all the persons in such district respectively, taken and recorded, as in this act directed, and pay the same to the several district clerks to whom it may be due, on their producing the order of the trustees of the proper district, and also satisfactory evidence that there has been a school kept in such district for at least three months in the same year, such money may have become due: *Provided*, That no part of the school fund by this act created, shall be in any manner appropriated by any township or school district, except for the payment of teachers, unless the sum shall be sufficient to support a school in each of the districts within the township to which the same may be due, for the term of six months in each year.

Sec. 17. Whenever the trustees of any township heretofore elected, may have leased the said reserved section, agreeably to the laws now in force, such trustees shall, on demand, deliver to the clerk of said township, appointed and qualified as in this act directed, all the papers, bonds, notes or obligations, or money in their hands, or in the possession of their clerk, which may be due, or be in any manner connected with the interest of the township, under the penalty of five hundred dollars, to be recovered by action of debt, before any court of competent jurisdiction, in the name of the clerk of the township to which the papers, bonds, notes or obligations may belong, or the money be due; and on the receipt of such bonds, notes, obligations or other securities for

payment of moneys or rents due the township, the clerk shall have the power, and is hereby authorized, to sue for and collect the same for the use of the proper township; which money so received and collected as aforesaid, shall be appropriated by the trustees of the proper township in the same manner, and by the same rules and regulations, as is in this act directed for such part of the school fund as is yearly applicable for the support of schools.

Sec. 18. *Be it furthr enacted*, That an act, approved January 31, 1824, entitled an act incorporating the congressional townships and providing for public schools therein; and the act amendatory thereto, approved, February 12th, 1825, be, and the same are hereby repealed.

Sec. 19. *And be it further enacted*, That when any school section shall lie a part in one county, and a part in another, that the trustees of said township may select either of said counties as the place of deposit for their funds," and inserting the following 27 sections in lieu thereof, viz:

Sec. 1. That for the purpose of selling the sixteenth section in each congressional township reserved for the use of schools, there shall be elected in each county, by the qualified electors, on the first Monday of August next, and triennially thereafter, in this state, a commissioner of school lands, who shall hold his office for the term of three years, and until his successor is chosen and qualified, whose duty it shall be to proceed, as is hereinafter directed, to sell such school lands as may by the boards doing county business, be ordered to be sold: *Provided*, That if any vacancy in said office shall happen by death, resignation or otherwise, it shall be the duty of the board doing county business to fill such vacancy until the next August election, and until a person shall, by the qualified voters, be then elected and qualified.

Sec. 2. No sale of any reserved school section shall be ordered, unless the legal voters of the township, in which the same is situate, shall have, in manner by law heretofore, or as herein provided, decided in favor of such sale. And in all cases, where the legal voters of any congressional township may not have attended in sufficient number to decide, under the provi-

sions of the act of the legislature on that subject, approved January 24, 1828, as to the sale of any school section; or if, after having met, such voters may have decided against such sale; it shall be the duty of the board doing county business, on the application of ten freeholders of any township including such unsold section, to order an election to be held in such township, at such time as they may direct; which shall be conducted in all respects, as provided in the act to which reference is above made; and upon the return to the clerk of the court of the vote of a majority of twenty freeholders, at least, of any such township in favor of a sale of the school section; it shall be the duty of the board doing county business of such county, in such case, and in case where the vote of any township may have already been taken in favor of a sale. to order a sale to be made of the school section of such township so voted to be sold by the commissioner of such county, under the restrictions hereinafter specified.

Sec. 3. Before any commissioner of school lands, as above, shall enter upon the duties of his office, he shall enter into a bond in the penalty of twenty thousand dollars, with at least six freehold securities, to be approved by the associate judges of the circuit court of the proper county, payable to the state, conditioned for the faithful discharge of the duties of his office, which bond shall be taken by the clerk of the circuit court of the county and filed in his office. The said commissioner shall moreover, also, first take an oath before some competent person for the faithful discharge of his duty; a certificate of which shall be endorsed on the back of his appointment.

Sec. 4. In directing the sale of the reserved school lands aforesaid, by the board doing county business, the time shall be fixed for such sale, and the place of selling the same; and it shall be the duty of the commissioner aforesaid, forthwith, after such order, to advertise such sale at least six weeks in a newspaper of such county, or if there be no newspaper in such county, by six written notices thereof in said county, in the most public places, two of which shall be in such township; and after such notice, shall, at the time fixed, proceed to sell the said school section of such township, under the stipulations of this act: *Provided*, That but one section shall be sold by any commissioner in one day.

Sec. 5. That it shall be the duty of said commisssioner of the proper county, upon the order of the board doing county business of any school section in said county to be sold, to cause the same to be sold in halfquarter sections according to the con-

gressional surveys, except that in his opinion it will be more advantageous to divide the quarter sections, by lines running north and south, in which case it shall be his duty to divide the same by such lines, which division shall be by him recorded at length in a record book to be procured by him for that purpose, and the said commissioner shall be allowed the sum of one dollar for each, and every day he may be necessarily employed in selling and dividing said lands, and costs of book for recording his proceeding in his said office, to be by him retained out of the money arising from the sale of said lands, which may come into his possession, and when said commissioner shall be succeeded by any other person, he shall deliver to his successor in said office, on his demand, all his books and papers touching his proceedings under the penalty of five hundred dollars, to be recovered by action of debt in the name of the state of Indiana, for the use of the proper county, and for which the security of such commissioner shall be liable on their bond for the performance of his duties.

Sec. 6. The said school section in any township, in this state, so ordered to be sold, shall be sold to the highest bidder: *Provided, however*, That no bid shall be received for less than $1 25 per acre, after due notice as above, by the proper commissioner or his deputy, whom he is hereby authorized to appoint for that purpose, at public vendue, in lots of one-eighth part of such section, upon the following terms, to wit: That the purchaser shall pay to said commissioner or deputy one-fourth part of the purchase money, together with interest on the residue thereof, at the rate of six per centum per annum, in advance; and shall secure the payment of such residue of the purchase money, at the expiration of four years from the date of such sale, together with six per centum interest thereon annually, in advance, on the recurrence of the date of such sale, by written obligation of the purchaser to the proper commissioner and his successors in office; and a failure of the payment of the annual interest so accruing for sixty days after the same may become due, or a failure to pay the residue of the principal due at the said term of four years from said sale, shall, *ipso facto*, be an absolute forfeiture of said land, of the payments made thereon, and of all benefit of the contract, which shall thereupon be void; and the said land shall be resold under the regulations herein provided for, at the order of the board doing county business.

Sec. 7. That upon the payment of the fourth part of the purchase money for any tract sold, and of the interest for one year on the residue in advance, by any purchaser, as above provided, and the securing of the residue and interest by writ-

ten obligation, as above, it shall be the duty of the proper commissioner, under his hand and seal, to execute to said purchaser a certificate setting forth the terms of such purchase, and the tract purchased; which certificate shall be substantially in the following form, to wit:

"A. B. (the purchaser,) having on this day purchased (here describe the tract) at the public sale of school land in the county of for the sum of dollars cents; and the sum of dollars cents the one fourth part thereof, and also dollars cents, the interest on the residue of said purchase money for one year; and having secured the payment of dollars cents the residue of the said purchase money and of the interest thereon annually in advance, by his written obligation: This therefore is to certify, that if the said A. B. or his assignee, shall well and truly pay the sum of dollars cents, the interest on the purchase money due, annually, in advance, from the date hereof; and shall also pay the said purchase money so due at the expiration of four years from the date thereof, according to said obligation, then the said A. B. his, her or their heirs or assignees, shall be entitled to a deed in fee simple for said tract on behalf of the state; yet it is expressly stipulated, that if the said A. B. or his assignee, shall fail to pay the annual interest in advance so accruing as above, within sixty days after the same shall become due; or shall fail to pay the purchase money so remaining due, when it is payable as above; then and in that case, the said tract of land shall be, and remain forfeited, and shall forthwith be revested in the citizens of said township, as fully as if the same had not been sold. Witness the hand and seal of C. D. commissioner of county, this day of ."

Sec. 8. Any person who may bid off any tract of such school land, at any such sale, and may fail to make the payment and secure the residue, as above required; such person shall be liable to be prosecuted, by action of debt, in the name of the commissioner for the use of the township, including such tract, to pay ten per centum on the sum such person may have bid, and the commissioner and his deputy in such suit shall be competent witness.es

Sec. 9. That nothing in this act shall prevent any purchaser, at the time of sale, or at any time thereafter, from paying the full amount of the purchase money, or any portion thereof above the fourth, and thereby, save the further interest; but such prompt payment shall in no wise authorize the commis-

sioner to pay back any interest that may have been paid in advance by such purchaser.

Sec. 10. Upon the payment of the whole amount of the purchase money and interest, under the above regulations, of any tract of such land, it shall be the duty of the said commissioner, at the request of the purchaser, his, her or their assigns, heirs or representatives, to endorse such full payment on the certificate for such tract; and shall, forthwith forward to the governor of the state a certificate of such full payment, describing the tract and the name of the person entitled to a deed therefor: upon the receipt of which, it shall be the duty of the governor to cause a patent to be executed, to the person entitled thereto, and their heirs forever, in fee simple; which shall be signed by the governor and countersigned by the secretary of state, and shall be forwarded to the proper commissioner without delay.

Sec. 11. No assignment of any certificate for lands purchased under the provisions of this act except upon strict proof in a court of justice, shall be recognized by the commissioner or the governor, unless the same was acknowledged before the said commissioner of the county, in which such tract is situate, who is hereby authorized to take such acknowledgements; and is required to enter such assignment of record.

Sec. 12. That it shall be the duty of the commissioner of each county in his record book, to keep separate accounts of the interest and the principal, in distinct entries, received from the proceeds of each school section, distinct and unconnected with each other; so that it can be at any time ascertained what sum each section sold for, what portion of the principal has been paid, and what of the interest received for the benefit of the township.

Sec. 13. That the commissioner of each county shall engage the assistance of such persons, as may be necessary in dividing, distinguishing and selling said school lands; and shall certify to the board doing county business the names of such persons, the time they have served, the services rendered, and the amount they are entitled to; upon the receipt whereof, it shall be the duty of the board doing county business to make an order on said commissioner to be paid out of the gross sum of interest accrued or accruing on monies derived from the sale of the school lands, for such amount, or so much as may be reasonable; which order shall be paid out of such fund, upon presentment, if so much be in his hands unappropriated.

Sec. 14. The commissioners of the school lands of each county is hereby authorized to loan out, at six per centum in-

terest, payable in advance and annually thereafter, all monies that may come into his hands from said sections as principal or interest, upon freehold security in lands, giving however a preference to applicants therefor, who are citizens and freeholders of the respective township to which said money may belong, by their giving sufficient land security; which loan shall be made for a term not less than one, nor more than three years.

Sec. 15. Previous to any person being entitled to loan any monies arising from the sale of school lands, he, she or they, so desiring, shall make a written application to the commissioner thereof, stating the amount wished, and describing the land to be pledged; and shall also have endorsed thereon the certificate of the recorder of the proper county, that a deed for said land is duly recorded in his office or that said applicant has a patent therefor from the United States, and that there is no mortgage, claim or lien thereon of record in his office; and also the certificate of the clerk of the circuit court of the county, that there is no suit pending nor judgment of record in his office against such applicant, whereby such land may be affected, accompanying which shall be the affidavit of the applicant that said land is free and unincumbered in any way whatever.—And thereupon the commissioner, shall personally, or by three freeholders by him appointed, appraise the value of such land (exclusive of buildings, and deducting any contingent interest of dower, or tenancy by courtesy therein;) and upon such valuation filed in writing, the commissioner shall loan such applicant any sum, not exceeding half the estimated value of such lands, nor in any instance exceeding to one applicant or his agent dollars: *Provided*, That said applicant shall first execute to the said commissioner and his successors in office, for the use of the township to which such money belongs, as security for the money so to be loaned a duplicate mortgage to the tenor and effect following, to wit: I, A. B. of the county of in the state of Indiana, having on this day obtained of C. D. commissioner of the school lands of the county of the sum of dollars, which has arisen from the sale of part of school section No. 16, township range in said county of as a loan for the term of years, upon the payment of six per centum per annum thereon payable annually in advance from this date; in order to secure the punctual payment of the interest accruing thereon and of the principal when due, do by these presents mortgage, pledge and put in security the following described tract of land (here describe the tract;) and I do hereby covenant and

agree to and with the said commissioner, that in case of failure on my part to pay the interest on said sum annually in advance for sixty days after the same shall become due, the right of credit or extension of time of payment to which I am as above entitled shall be irrevocably forfeited, and that the whole sum of dollars, above loaned, with all interest accrued, shall then and upon such failure be and become due and payable; and thereupon or on non-payment of the principal of said loan when due, I hereby authorize said commissoner or his successor in office to expose the premises hereby mortgaged to sale to the highest bidder for cash in hand, after advertising the same in the same nanner that real estate taken in execution is required to be advertised; and upon such sale, to convey the said premises with all appurtenances to the purchaser, as fully as I myself personally could; and to retain out of the amount arising from such sale five per centum thereon, as a compensation to the commissioner making such sale, together with all other costs attending the sale, and to apply the residue thereof in payment of the principal and interest of the loan aforesaid, reserving to myself the overplus thereof if any; and I hereby acknowledge myself responsible and bound for the full satisfaction of any deficiency in the amount of principal, interest or costs, so due or accruing, after such sale remaining, to be recovered by said commissioner, or his successor in office in an action of debt before any court, having competent jurisdiction. In witness of which, I hereunto set my hand and seal this day of . seal: One of which duplicate mortgages shall be filed and recorded in the recorder's office of the proper county, and the other filed and retained by said commissioner.

Sec. 16. That if any default be made in the payment of interest accruing on any loan hereby authorized for the space of sixty days next after the same may become due, such default is hereby declared and constituted a forfeiture of the further extension of credit on such loan; and the full amount of principal and interest then remaining unpaid shall thereupon become and be due and payable instanter; and upon any such failure to pay the interest, or upon failure to pay the principal when due, the proper commissioner shall forthwith advertise the premises mortgaged in security therefor for public sale in the same manner that real estate taken in execution is required to be advertised, and shall upon the day so notified sell the said mortgaged premises to the highest bidder for ready money; and shall retain out of the proceeds thereof five per centum on

the amount for his trouble, with all other costs accruing on said sale, and the full amount of principal and interest unpaid on said loan, paying over the residue, if any, to the mortgager of said tract or his legal representatives; and in case the amount made by such sale be not sufficient to pay the principal and interest, so unpaid, and all costs and per centum, said commissioner shall forthwith proceed to recover the residue unpaid or not made, by action of debt, against such person or persons owing the same in any court of competent jurisdiction; upon sale of the mortgaged premises, as above, the commissioner shall on receipt of the purchase money, convey the mortgaged premises sold to the purchaser, by deed, in as ample a manner, as the person mortgaging could personally have done.

Sec. 17. When two or more applications are made at the same time for the same money, the commissioner shall loan it to either at his discretion, in conformity with the provisions of this act, upon the best security; and any commissioner, who may retain money in his hands arising from the sale of the school lands of his county, when the same could have been loaned upon good security, shall upon conviction thereof be fined in any sum not exceeding five hundred dollars, and imprisoned in the jail of said county not exceeding six months, shall be deprived of his said office, and shall, with his securities, be liable, upon his official bond, to pay the whole amount so retained, together with twenty per centum thereon.

Sec. 18. That it shall be the duty of the commissioner of any school lands, when he shall loan money under the provisions of this act to retain out of the amount loaned and charged to the borrower one year's interest, at six per centum per annum, on the whole sum in advance, and also all proper costs and charges allowed against such person borrowing. The following fees and costs shall be allowed and charged for the services hereinafter enumerated, to wit:

For each acknowledgement on a certificate	12 1-2
For each certificate of purchase	25
For each mortgage	75
For each entry of payment of principal or interest	25
To each appraiser of each tract	25
For selling mortgaged premises five per centum, beside the costs of advertisement	
For making deed to purchaser	75
For entry of satisfaction of record on a mortgage	12 1 2
For final certificate to Governor	25

The recorder shall be allowed for recording each mortgage 50

The clerk of the county board shall be allowed for recording all documents required to be entered by him, or other writing, twelve and a half cents per 100 words.

And all persons borrowing monies derived from the sale of school lands, shall, at the time of obtaining the same, leave in the hands of the commissioner the fees which may have accrued, as above specified, to such commissioner and appraisers, and also the fee for recording the mortgage; and in all cases of unsuccessful application to borrow such money, such applicant shall be liable to pay all costs arising thereon, to be recovered, at the suit of the person entitled thereto.

Sec. 19. That it shall be the duty of the commissioner of the school lands in each county, in three months after the first sale, and annually thereafter to file with the clerk of the board doing county business an account current of all monies received from sales, specifying distinctly principal and interest, and the monies loaned, specifying the respective amounts, and the name of each borrower and together with the amount remaining due and from whom, which report shall be filed and preserved by said clerk in his office, as a charge against such commissioner.

Sec. 20. The respective commissioners of school lands, as above, shall hold their offices for the term of three years, and until their successors are appointed and qualified; but they shall be liable to removal by a joint resolution of the general assembly or upon conviction, by indictment, for any malversation in office shall be removed, and all acts and offences against the true spirit and meaning of this act committed by any commissioner shall subject him to indictment therefor and punishment by fine and imprisonment in the county jail, at the discretion of the jury trying the same.

Sec. 21. Whenever any school section shall be divided by a county line, the commissioner residing in that county, in which the greater part of such section may be situate, shall have the same management and disposal thereof, as if the same had been entirely within such county; and if any school section should be equally divided by a county line, the management and disposal thereof shall appertain to the oldest of such counties.

Sec. 22. That when any lands mortgaged under this act shall, at the time thereof, be unincumbered by claim of dower or tenantcy, no subsequent marriage of the person mortgaging

the same shall subject such premises to dower or tenantcy, nor shall any right of dower or tenantcy existing at the time of any mortgage under this act be set up or allowed after the decease of the person having such right at said time.

Sec. 23. That when any mortgager under this act shall die, before the payment of the money borrowed on such mortgage, with all interest and costs, upon default of payment thereof, it shall not be necessary for the proper commissioner to give any notice whatever to the heirs, executors or administrators of such decedent, other than the general public notice for the sale thereof; and the said commissioner shall forthwith proceed to sell and convey the premises mortgaged by said decedent in the same manner, that he should have done, if said premises had been forfeited as above herein provided, by said decedent in his lifetime; and the heirs of such mortgager shall never be permitted to set up the want of notice or their infancy as an objection to the title of the person, who may purchase the same at such sale; but said purchaser's title shall be good and valid, as if created by sale of the mortgaged premises on forfeiture as above: *Provided however*, That any mortgager, his, her or their heirs or legal representatives may at any time, before the sale thereof, redeem any mortgaged premises from sale by the payment of the interest due, together with all costs, if such sale is for interest only; or by the payment of the principal, interest and all costs, if the same be due. And it is hereby made the duty of each commissioner, as above, upon any default made in the payment of principal or interest of school funds, to proceed forthwith to the collection thereof under the provisions of this act.

Sec. 24. That all school lands hereby authorized to be sold shall not be subject to taxation, either for state, county or road purposes, until the expiration of four years after such sale.

Sec. 25. That when any person, who may mortgage any tract of land for the loan of the monies aforesaid, shall fail to pay the state or county tax accrued thereon, it shall be the duty of the proper collector first to make the amount of said tax out of the personal estate or other lands of such mortgager; but on failure to make such tax therefrom, such collector shall proceed to make the same out of such mortgaged premises, as other lands are sold for the non-payment of taxes, subject however to the mortgage money pledged thereon and all costs about the same in any way arising; and for the securing thereof, it shall be the duty of the collector of the state and county taxes of the county, previous the sale of any lands for taxes in his county, to

procure from the commissioner of school lands, a statement of the mortgage premises and the money, interest and cost upon any tract of land, upon which the tax shall not then have been paid; which statement, it is hereby made the duty of such commissioner to furnish to such collector.

Sec. 26. The office of the commissioner hereby authorized to be appointed, shall be kept at his dwelling house in the county in which he resides; and the duties required of said commissioner shall be performed personally by him, or in case of sickness or absence, by his deputy duly authorised, for whose acts, appertaining to any of the duties of his said office, the said commissioner and his securities shall be liable and responsible, as if such acts had been done by the commissioner in person. The treasurer of any county may be eligible to the office of such commissioner, without resigning his office of treasurer.

Sec. 27. That all sales of school lands hereby authorized shall be made, subject to whatever incumbrance may be thereon by lease or otherwise under the provisions of any law, authorizing the same; and the purchaser of such school lands shall have the full benefit of all contracts, covenants and stipulations for the improvement or rent thereof as fully, from the date of his purchase, as if such contracts, covenants and stipulations had been originally made with him as landlord.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Craig, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Hillis, Leviston, Matlock, Orr, Pabody, Palmer, Sample, Sweetser, Trafton, Wallace and Worth—18.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Brown, Child, Goodhue, Hendricks, Kinnard, Lemon, Leveuworth, Lomax, Long, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Read, Riley, Ritchey, Robb, Slaughter, St. Clair, St. John, Steele, Stewart Taylor, Welburn, Work, Young and Howk, Speaker—35.

And so said motion was decided in the negative.

Mr. Dunn moved to lay said bill on the the table.

Which motion was decided in the negative.

Mr. Crume moved so to amend said bill in the 2d section, as to require a majority of all the qualified voters in said township to authorize a sale of the school lands.

Which motion was carried in the affirmative.

Mr. Steele moved further to amend said bill in the section, by adding the following proviso, viz: *Provided*, That nothing in this act shall be so construed as to prevent the said township trustees and clerk from retaining all the money and interest arising from the sales of land aforesaid in their own hands, provided they give to the treasurer of the county, the security demanded by this act.

Which motion was decided in the negative.

And the question recurring on engrossing said bill for a third reading on Monday next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Brown, Child, Deming, Dunn, Elliott, Finley, Frisbie, Goodhue, Kinnard, Lemon, Levenworth, Lomax, Long, Lynd, M'Intire, Morris, M'Pheeters, Orr. Pennington, Read, Ritchey, Robb, Slaughter, St. Clair, St. John, Steele, Stewart, Taylor, Welburn, Work, Young and Howk, speaker—37.

And those who voted in the negative are,

Messrs. Boon, Craig, Crume, Dufour, Dumont, Hendricks, Hillis, Leviston, Matlock, Marshall, Moye, Pabody, Palmer, Sample, Sweetser, Trafton, Wallace and Worth—18.

And so said bill was ordered to be engrossed and read a third time on Monday next.

Mr. St. Clair from the joint committee for enrolled bills reported, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act authorizing the surveying and marking the boundary line between the counties of Clark and Scott;

An act providing for the opening of a state road in the county of Allen; also,

A joint resolution relative to the three per cent. fund.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, entitled acts, viz:

An act to authorize William Youse to build a toll bridge across the east fork of Whitewater river;

An act to establish a state road from Grandison Thomas's farm, in Daviess county, to intersect the state road at or near Richard Weaver's in said county;

An act supplementary to an act entitled an act to establish a levee to preserve the road from Vincennes through the lower prarie, near the Wabash river, approved, January 5, 1828.

And find the same truly enrolled;

Whereupon,

The speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed engrossed bills of the following titles, to wit:

An act to authorize the circut court of the county of Perry to change the venue in a certain case therein named;

An act regulating medical societies; and,

An act supplemental to an act entitled an act to authorize the loaning of the seminary funds, approved, January 24, 1828.

In which several bills the concurrence of the house of representatives is requested.

The senate has concurred in the several amendments proposed by the house of representatives to the engrossed bill from the senate, entitled an act to amend an act relative to crimes and punishments, with one amendment to the 9th amendment proposed by the house of representatives to said bill.

In which the concurrence of the house is also requested.

The engrossed bill from the senate entitled, an act regulating medical societies, was read the first time and passed to a second reading on Monday next.

And then the house adjourned until Monday morning nine o'clock.

MONDAY MORNING, January 12th, 1829.

The house met pursuant to adjournment.

The speaker laid before the house the following communication from Wm. W. Wick, as state librarian:

State Library, 12*th January*, 1829.

The secretary of state, discharging the duties of librarian of the state library, at an early period of the session of the general assembly, now transpiring, made a detailed report of the additions to this institution, and consequent expenditure within the past

year, to which report was appended an account current, shewing among other things, that an unexpended balance of former appropriations remained in the hands of the librarian, amounting to thirty-one dollars forty seven and a half cents, destined to pay for "the biography of the signers of the declaration of American independence," which had been ordered and was daily expected. Since the making of the report above alluded to, there has been added to the state library by purchase of William Quarles, esq. the life of Lafayette, by Robert Waln, in one volume at $3 50.

The librarian has also, since the making of the said report, received a communication from Morton and Co. of Louisville, stating that the "biography of the signers of the declaration of American Independence," have been forwarded to the care of Mr. Sering of Madison for this institution and enclosing a bill thereof, viz. "Biography of the signers of the declaration of Independence," calf, gilt, $17 50

Box and drayage,	37 1-2

Arrangements for the payment of this money, at Louisville, upon the receipt of the books according to agreement, have been made.

Add then the above sum paid and arranged to be paid, and the expenditure since the making of the report, above alluded to, is	21 37 1-2

Which deduct from the sum of thirty one dollars forty seven and a half cents in the hands of the librarian at the time of the making the above report, leaves in the hands of the librarian, this day, an unexpended balance of 10 10

Which sum will be refunded to the treasury.

The secretary of state ventures respectfully to re-

quest that this report may be referred to the proper committee, that the correctness of his accounts may be tested, and evidence thereof committed to legislative record.

Respectfully submitted.

W. W. WICK.

Which was read and referred to the committee on education.

Mr. Frisbie presented a remonstrance of Vincent C. Brown and others, citizens of Spencer county, against the removal of the seat of justice of said county, which was read and referred to the same committee to whom was referred the petition on that subject.

Mr. Kinnard, from the committee on the affairs of the town of Indianapolis, made the following report, viz.

The committee on the affairs of the town of Indianapolis, to whom was referred a resolution directing an enquiry into the expediency of appropriating a portion of the proceeds of the sales of lots in said town, to the purpose of procuring materials for building a state house, have directed me to report, that they have provided for the object of said resolution in a bill heretofore reported by them to this house; and they ask to be discharged from the further consideration of that subject.

The committee have also directed me to report, that in their opinion it is inexpedient at this time to legislate on the subjects of several other resolutions referred to them: 1st. On the subject of ordering a sale of lots. 2d. Of making an appropriation to procure furniture for the Governor's House. 3d. Of vacating all that part of the South street that lies between Illinois and Meridian streets, and between block 96 and out lot No. 15. 4th. Of appropriating a sum of money for the purpose of filling up the old well on the court house square. 5th. Of laying out

and appropriating, for public walks and pleasure grounds, hereafter to be enclosed and planted with ornamental trees, some of the unsold lands within or immediately adjoining the town of Indianapolis; but this they believe will be expedient whenever the legislature may order another sale of lots.

Which is respectfully submitted.

The above report was read and concurred in by the house.

Mr. Boon, from the committee on claims to whom was referred the petition of Robert Patterson, for work and labour done upon and materials furnished for the Court House in Indianapolis; reported that they have had the same under consideration and have instructed him to report the following resolution, viz:

Resolved, That the committee of ways and means be and they are hereby instructed to allow Robert Patterson, seven dollars in the specific appropriation bill, as set forth in the above account.

Which report was concurred in by the house.

Mr. Boon, from the same committee to whom was referred the claim of Abraham Westfall, collector of Knox county, reported that they have had the same under consideration and have instructed me to report that in their opinion it would be inexpedient to allow his claim, as the certificate given by the clerk of the circuit court of Knox county does not set forth the items returned in the collector's delinquent list.

Which report was read and agreed to by the house.

Mr. Crume, from the select committee to whom was referred the petition of the executors of Jacob Wilson, dec'd, reported a bill for the relief of the heirs of the said Jacob Wilson, late of Fayette county, deceased, which was read the first and second times, the rules of the house having been first

dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Dunn presented a joint resolution relative to the American colonization society.

Which was read the first time, and passed to a second reading to-morrow.

The engrossed bill from the senate to authorize the circuit court of Perry county to change the venue in a certain case therein named, was read the first time and passed to a second reading to-morrow.

The engrossed bill from the senate entitled an act supplemental to an act entitled an act to authorize the loaning of the seminary funds, approved January 24, 1828. was read the second time, and referred to the same committee of the whole to whom was referred a bill of this house on the same subject.

The bill to re-locate part of the state road from Newcastle to Lafayette, was read the second time, when

Mr. Long moved that the further consideration thereof be postponed until the first Monday in December next.

Which motion was carried in the affirmative.

The bill supplemental to an act regulating the militia of the state of Indiana, was read the second time and referred to the same committee of the whole house, to which was referred the bill of this house on the same subject.

Mr. Trafton moved to dispense with the several orders of the day, which precede the engrossed bill from the senate, entitled an act supplementary to an act appropriating $100,000 of the three per cent. fund, for opening and repairing certain roads therein named, and that the same be now taken up.

Which motion was decided in the negative.

The engrossed bill from the senate, entitled an act regulating medical societies, was read a second

time, and referred to a select committe of Messrs. Slaughter, Child, Morris, Trafton and Pabody.

The engrossed bill to establish a clay turnpike road from the town of Levenworth in Crawford county, twenty miles or more in the direction of Indianapolis, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Dufour, Dunn, Elliott, Frisbie, Hendricks, Hillis, Judah, Kinnard, Levenworth, Leviston, Lomax, Long, Matlock, Marshall, Morris, Moyer, Orr, Pabody, Palmer, Pollock, Read, Riley, Slaughter, St. Clair, St. John, Steele, Wallace, Welburn and Howk, speaker—31.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Brown, Child, Crume, Dumont, Finley, Goodhue, Lemon, Lynd, M'Intire, M'Pheeters, Pennington, Ritchey, Robb, Sample, Stewart, Trafton, Work, and Worth—21.

So said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to authorize the sale of the school lands and for other purposes, was read the third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Brown, Child, Deming,

Dufour, Dunn, Elliott, Finley, Frisbie, Goodhue, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Pennington, Pollock, Read, Riley, Ritchey, Robb, Slaughter, St. Clair, St. John, Steele, Stewart, Taylor, Welburn, Work, Young, and Howk, sp'r—42.

And those who voted in the negative are,

Messrs. Boon, Craig, Crume, Dumont, Hendricks, Hillis, Judah, Matlock, Marshall, Palmer, Sample, Sweetser, Trafton, Wallace and Worth—15.

And so said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The house resolved itself into committee of the whole on the bill to establish a state road from Shelbyville, via Marion in Shelby county, Greenfield in Hancock county to Andersontown in Madison county, and after some time spent therein, the speaker resumed the chair, and Mr. Orr reported the same with sundry amendments, which were severally read and concurred in by the house.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has refused to concur in the report of the committee of free conference, appointed by the two houses, to take into consideration the disagreeing votes of the two houses on the bill of the house of representatives, to authorize the county surveyors to obtain copies of field notes of the original corners of land in their respective counties, and have appointed Messrs. Rariden and Graham a second committee of free conference,

to act with a similar committee appointed on the part of the house, to take into consideration the disagreeing votes of the two houses on on said bill.

The house resolved itself into a committee of the whole on the bill to change the mode of doing county business in the county of Wayne, and the several petitions referred to the same committee, and after some time spent therein the speaker resumed the chair, and Mr. Pabody reported the same with sundry amendments, which were severally read and concurred in by the house.

Mr. Lomax moved to re-commit said bill to a select committee.

Which motion was decided in the negative.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resolved itself into a committee of the whole on the bill supplemental to an act declaring certain sireams therein named public highways, approved January 26, 1824; and after some time spent therein, the speaker resumed the chair, and Mr. Pollock reported the same with sundry amendments; which were read and concurred in by the house.

Mr. Dumont moved further to amend said bill in the section thereof, by adding these words, viz:

"That one hundred dollars is hereby appropriated out of the three per cent. fund, to be applied on the state road from the Ohio river, opposite the mouth of the Kentucky river, to Cynthiana in Switzerland county, and that Hopiwell Haskell of said county is hereby appointed commissioner to receive and apply said money."

Which motion was decided in the negative.

Mr. Read moved further to amend said section, by adding at the end thereof, these words, viz:

"That two hundred and fifty dollars of the three per cent. fund be, and the same is hereby appropriated to clear out Indian creek, under the direction of the board of justices of Martin county."

Which motion was decided in the negative.

Said bill was then ordered to be engrossed and read the third time to morrow.

The house resumed the consideration of the bill, changing the mode of doing county business in the county of Wayne.

Mr. Lomax moved to amend said bill, by adding as an additional section thereto, the words following, viz:

"*Provided however*, That nothing in this act shall be so construed, as to authorize the qualified electors of Wayne county, to elect county commissioners on the first Monday of August next; but it shall be the duty of the inspectors and judges, of the several townships in the county aforesaid, on the first Monday of August next, to open a poll in which shall be entered all the votes given for and against changing the mode of doing county business in said county, agreeably to the provisions of this act; and it shall be the duty of the inspectors and judges aforesaid, at the time they announce the name of the voter to their clerks, to put the question in the following manner: "are you in favor of changing the present mode of doing county business or not?" and the inspectors and judges aforesaid shall certify the same to the clerk of the circuit court, in the said county of Wayne; and if it shall appear that a majority of all the votes given at the aforesaid election, were in favour of changing the mode of doing county business, it shall be the duty of the sheriff of said county of Wayne, to advertise in the several townships in said county, twenty days previous to the

first Monday of September next, that there will be an election held in each township in said county, on the said first Monday of September next, for the purpose of electing three county commissioners, as is provided for by this act; which, said elections, shall be held at the usual places of holding elections in said townships, and governed in all respects by the laws now in force regulating and governing the elections of state and county officers."

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Boon, Child, Crume, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Levenworth, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Pabody, Palmer, Ritchie, Robb, St. Clair, St. John, Steele, Stewart, Wallace, Work and Howk, Speaker—29.

And those who voted in the negative are,

Messrs. Allen, Blair, Brown, Craig, Elliott, Finley, Goodhue, Hillis, Kinnard, Leviston, Long, Matlock, Moyer, Orr, Pollock, Read, Sample, Slaughter, Trafton, Welburn, Worth and Young—22.

And so said motion was carried in the affirmative.

Mr. Morris moved so to amend said bill, as to allow the commissioners $1 25 cents per diem instead of $2 00.

Which motion was decided in the negative.

Andthe question being then put, Shall said bill be engrossed and read a third time to-morrow?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Boon, Brown, Child, Craig, Crume, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Good-

hue, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pollock, Read, Ritchie, Robb, Sample, St. Clair, St. John, Steele, Stewart, Sweetser, Trafton, Wallace, Welburn, Work, Worth, Young and Howk, Speaker—51.

And those who voted in the negative are,

Messrs. Blair, Pennington, and Slaughter—3.

And so said question was carried in the affirmative.

On motion of Mr. Read,

The committee of the whole house to which was committed the bill to amend the act entitled an act for the apportionment of senators and representatives to the general assembly, approved January 19th, 1826, was discharged from the further consideration thereof.

Mr. Long then moved to postpone the further consideration of said bill indefinitely.

Which motion was carried in the affirmative.

On motion of Mr. Pennington,

The committee of the whole house to which was committed, the engrossed bill from the senate, entitled an act for the formation of congressional districts, and for the election of senators and representives to congress, approved January 30, 1824, was discharged from the further consideration thereof.

Mt. Pennington moved that the further consideration of said bill be indefinitely postponed.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Child, Dunn, Goodhue, Hendricks, Judah, Lynd, Marshall, M'Intire, M'Pheeters. Moyer, Pabody, Pennington, Pollock,

Robb, Slaughter, St. Clair, Steele, Stewart Work and Howk, Speaker—23.

And those who voted in the negative are,

Messrs. Allen, Boon, Brown, Craig, Crume, Deming, Dufour, Dumont, Elliott, Finley, Frisbie, Hillis, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Matlock, Morris, Orr, Palmer, Read, Riley, Sample, St. John, Sweetser, Trafton, Wallace Welburn, Worth and Young—32.

And so said motion was decided in the the negative.

Mr. Sweetser moved to amend said bill by striking out these words in the 1st sec. viz: "as the next census and apportionment may entitle her to" and insert the words following in lieu thereof, viz: "to which the state of Indiana may be then entitled."

Which motion was carried in the affirmative.

Mr. Judah moved further to amend said bill, by adding the following section thereto, viz:

"That hereafter all that part of the county of Carroll, which is situated east of the 2d principal meredian and formed part of Delaware county, shall be attached to and form part of the same congressional district to which that part of said county of Carroll, which is situated west of said 2d principal meredian, and formed a part of Wabash county, now belong and is attached."

Which motion was carried in the affirmative.

The amendments to said bill were then ordered to be engrossed and with said bill be read a third time to-morrow.

On motion of Mr. Lomax,

The committee of the whole house, to whom was committed the bill to amend the act concerning the secretary of state, was discharged from the further consideration thereof.

Mr. Sample then moved that the further consideration of said bill be indefinitely postponed.

Which motion was carried in the affirmative.

On motion of Mr. Brown,

The committee of the whole house to which was committed the bill to estabish a state road from Franklin via Shelbyville to Andersonville, was discharged from the further consideration thereof.

The said bill was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Levenworth,

The committee of the whole house to which was committed the bill to change the name of John Smith to John Lucius Smith, was discharged from the further consideration thereof.

The said bill was amended and ordered to be engrossed and read the third time to-morrow.

On motion of Mr. St. Clair,

The committee of the whole house to which was committed the bill for the relief of Washington Jackson, was discharged from the further consideration thereof.

Mr. Denning moved to amend said bill by adding the following section, thereto, viz:

That the bands of matrimony heretofore entered into by Dorcas McHenry formerly Dorcas Armstrong of Knox county, and Samuel McHenry be, and the same is herebv dissolved.

Which motion was decided in the negative.

Mr. St. Clair moved to amend said bill by striking the same out from its enacting clause, which reads in the words following, viz:

Whereas, On petition of Orilla Jackson, in the Dearborn circuit court praying for a divorce, the judges of the said court did divorce the said Orilla from the bonds of matrimony heretofore contracted by her with Washington Jackson, and decreed that the said Washington Jackson shall be bound by

the said marriage contract; Therefore, for the relief of the said Washington Jackson,

Be it enacted by the general assembly of the state of Indiana, That Washington Jackson, now of Dearborn county be, and he is hereby released from the marriage contract heretofore entered into by him with Orilla Jackson and the bands of matrimony heretofore existing between them, be, and the same are hereby dissolved.

This act to take effect and be in force from and after its passage.

And inserting the following in lieu thereof, viz:

Whereas, Doubts have existed and do exist as to the effect of a divorce granted to one of the parties to a matrimonial contract, whether such divorce should operate as a release to the other party: Therefore,

Be it enacted by the General Assembly of the state of Indiana, That all divorces heretofore granted, and all divorces that may hereafter be granted by lawful authority, shall operate as a discharge of both parties to the matrimonial contract, any law, usage or custom to the contrary in anywise notwithstanding: *Provided however*, That nothing in this act shall be so construed, as to prevent one party from receiving cost of the other party in conformity to the judgment of the court granting such divorce.

Which motion was carried in the affirmative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill, to extend the benefit and provisions of an act entitled an act for the relief of purchasers of lots in the town of Indianapolis, approved January 20, 1826, to the purchasers of outlots, under the acts approved January 31, 1824, and February 12, 1825; and after some time spent therein, the speaker resumed the chair, and Mr. Ritchey

reported the same with several amendments, which were concurred in by the house generally.

The said bill was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Matlock,

The committee of the whole house, to which was committed to bill to amend the act entitled an act regulating the fees of the several officers and persons therein named, approved January 30, 1824, was discharged from the further consideration thereof.

The said bill was then ordered to lie on the table.

The house resolved itself into committee of the whole on the bill to subject trust estates, equitable interests and choses in action to the payment of debts; and after some time spent therein, the speaker resumed the chair, and Mr. Robb reported progress and asked leave to sit again; which leave was granted by the house.

Mr. St. Clair from the joint committee for enrolled bills reported, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to authorize William Youse to build a toll bridge across the east fork of Whitewater river;

An act to establish a state road from Grandison Thomas's farm, in Daviess county, to intersect the state road at or near Richard Weaver's in said county;

An act supplementary to an act entitled an act to establish a levee to preserve the road from Vincennes through the lower prairie, near the Wabash river, approved, January 5, 1828.

The house then adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, January 13, 1829.

The house met pursuant to adjournment.

Mr. Marshall, from the joint committee for enrolled bills, reported, that they have compared the enrolled with the engrossed bill, entitled,

An act to establish a state road from Madison in the county of Jefferson, to Lawrenceburgh in the county of Dearborn.

And find the same truly enrolled;

When,

The speaker signed the said bill.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Palmer presented a petition of Misilla M'Cormick of Jefferson county, praying a divorce from her husband James M'Cormick.

Which was read, and referred to a select committee of Messrs. Palmer, Hillis, Pabody, Trafton and Deming.

Mr. Hillis, from the committee of ways and means, to whom referred that part of the message of his excellency the governor, which relates to the finances and the reports of the auditor of public accounts and the treasurer of state, made a detailed report as to the state of the treasury.

On motion of Mr. Pennington,

Ordered, That one thousand copies of the same be printed for the use of the members of this house.

Mr. Hillis, from the committee of ways and means, reported a bill making general appropriations for the year 1829.

Which was read the first and second times, the rules of the house of the house having first been dispensed with, and ordered to be engrossed and read a third time to-morrow.

Mr. Boon, from the committee on claims, to whom

was referred the communication of Samuel Merrill, treasurer of state, reported that they have had the same under consideration, and have instructed him to report as follows:

1st. They are of opinion that it would be improper to make him any allowance for counterfeit money he has received as treasurer of state.

2d. They are of opinion that he ought to be allowed fifteen dollars for going to Cincinnati to purchase stationary for the state.

3d. They are of opinion that Reuben W. Nelson's account of $69 60 against the state for collecting $1160 00 for the state, ought to be allowed the collector of Scott county for the year 1826, and have directed me to report the following resolution:

Resolved, That the committee of ways and means be, and they are hereby instructed to allow to Samuel Merrill $15 00, and to T. H. Hicks collector of Scott county, for the years 1824, $69 60 in the specific appropriation bill as set forth in the above report.

Which was read and concurred in by the house except the 1st and last items, which was ordered to lie on the table.

Mr. Lomax, from the committee on roads, to whom was referred the petition of W. H. Douglass, and others, citizens of Tippecanoe county praying a relocation of the state road from Newcastle to Lafayette, reported that they have had the same under consideration, and instructed him to report that it is inexpedient further to legislate on that subject at this time.

Which was read and concurred in by the house.

The engrossed bill from the senate to authorize the circut court of the county of Perry to change the venue in a certain case therein named, was read the second time; and,

On motion of Mr. Frisbie,

Referred to a select committee of Messrs. Frisbie, Judah and Dunn.

The joint resolution relative to the American colonization society was read a second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill to change the mode of doing county business in the county of Wayne was read the third time and passed.

The title of said bill was amended so as to read, an act to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain.

Ordered, That the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill supplemental to an act entitled an act declaring certain streams therein named public highways, approved January 26, 1824;

The engrossed bill to establish a state road from Franklin in Johnson county, via Shelbyville to Andersonville in Franklin county; and,

The engrossed bill to change the name of John Smith to John Lucius Smith, were severally read a third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill to extend the benefit and provisions of an act entitled, an act for the relief of purchasers of lots in the town of Indianapolis, approved January 20, 1826, to the purchasers of out lots under the acts approved January 21, 1826 and February 12, 1825, was read a third time, amended by consent and passed.

On motion of Mr. Kinnard,

The title of said bill was amended so as to read, "an act for the relief of purchasers of out-lots adjoin-

ing the town of Indianapolis purchased under the acts approved January 31, 1824, and February 12, 1825.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to establish a state road from Shelbyville, by the way of Marion in the county of Shelby, Greenfield in the county of Hancock, to Andersontown in the county of Madison, was read a third time.

Mr. Pennington moved to recommit said bill to a select committee.

Which motion was decided in the negative.

And the question being put, Shall said bill pass?

The same was carried in the affirmative.

On motion of Mr. Morris,

The title of said bill was amended by adding these words: "and for other purposes."

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary, viz:

Mr. Speaker,

I am requested by his excellency, the governor to inform the house of representatives, that he did, on the 12th instant, approve and sign,

An act authorizing the surveying and marking the boundary line between the counties of Clark and Scott;

A joint resolution relative to the three per cent. fund;

An act providing for the opening of a state road in the county of Allen;

An act to establish a state road from a point on the line dividing the states of Indiana and Illinois, in the direction to Vandalia, in the state of Illinois,

by the way of the points therein named, to Greensburgh, in Decatur county;

All of which originated in the house of representatives.

The engrossed bill for the relief of the heirs of Jacob Wilson, late of Fayette county, deceased, was read a third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill for the relief of Washington Jackson, was read a third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Boon, Brown, Craig, Deming, Dufour, Dumont, Finley, Frisbie, Hendricks, Kinnard, Lemon, Levenworth, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Pollock, Read, Riley, Ritchey, Robb, Slaughter, St. Clair, Stewart, Welburn Young, and Howk, speaker—32.

And those who voted in the negative are,

Messrs. Allen, Blair, Child, Crume, Dunn, Elliott, Goodhue, Hillis, Leviston, Lomax, Long, Lynd, Matlock, Orr, Palmer, Sample, St. John, Steele, Taylor, Trafton, Wallace, Work, and Worth—23.

So said bill passed.

On motion of Mr. St. Clair,

The title of said bill was amended so as to read, "an act to amend an act entitled an act regulating divorces, approved January 22, 18 4."

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate entitled, an act to amend the act entitled an act for the formation of congressional districts, and for the election of senators and representatives to congress, approved January 1824, was read a third time as amended.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Craig, Crume, Deming, Dufour, Dumont, Elliott, Finley, Frisbie, Hendricks, Hillis, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Matlock, Orr, Pabody, Palmer, Pollock, Read, Riley, Ritchey, Sample, St. John, Trafton, Wallace, Welburn, Worth and Young—34.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Child, Dunn, Goodhue, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Robb, Slaughter, St. Clair, Steele, Stewart, Work and Howk, speaker—20.

And so said bill as amended passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

The house resolved itself into a committee of the whole on the bill to subject trust estates, equitable interests and choses in action to the payment of debts, and after some time spent therein the speaker resumed the chair and Mr. Riley reported progress and asked leave to sit again, which was granted by the house.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The house resolved itself into committee of the whole on the bill making provision for compensation to the recorders of Gibson and Monroe counties, and after some time spent therein, the speaker resumed the chair and Mr. Sample reported the same with sundry amendments.

Which were severally read and agreed to by the house.

The amendments to said bill were then ordered to be engrossed and with said bill read a third time to-morrow.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed engrossed bills from the house of representatives entitled acts, to wit:

An act incorporating the townships in the coun- of Shelby; and,

An act to establish a state road from Rushville in Rush county, to Lawrenceburgh in Dearborn county.

The first bill with four amendments, and the latter with one.

In which the concurrence of the house is requested.

The senate has also passed an engrossed bill, entitled, "an act to amend an act providing the mode of opening and repairing public roads and highways in certain counties therein named, approved January 21, 1826.

In which the concurrence of the house is also requested.

The amendments proposed by the senate to the bill of this house to incorporate the townships in Shelby county, were read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The amendments proposed by the senate to the second named bill in the above message, was agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The third and last named bill in said message was read the first and second times, the rules of the house having first been dispensed with, and ordered to a third reading to-morrow.

The house resolved itself into committee of the whole, on the engrossed memorial from the senate, on the subject of extinguishing the Indian title to lands in the state of Indiana, and after some time spent therein, the speaker resumed the chair and Mr. St. Clair reported the same with one amendment, which was concurred in by the house.

Mr. Sweetser moved to recommit said memorial to a select committee.

Mr. Trafton moved to postpone the further consideration of said memorial indefinitely.

Which motion was decided in the negative.

The question recurring on Mr. Sweetser's motion, the same was carried in the affirmative.

Messrs. Sweetser, Judah and Child, were appointed that committee.

The house then resolved itself into a committee of the whole on the bill dsclaring Eel river a public highway, and after some time spent therein, the speaker resumed the chair, and Mr. St. John reported the same with sundry amendments, which were concurred in by the house generally.

Said bill was ordered to be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole, on the engrossed bill from the senate enti-

tled, an act to provide for printing and distributing the laws and journals of the present session, and after some time spent therein, the speaker resumed the chair and Mr. Steele reported the same with sundry amendments; the 1st and 2d were concurred in, and the 3d and 4th disagreed to by the house.

The amendments to said bill were then ordered to be engrossed and with said bill read a third time to-morrow.

On motion of Mr. Brown,

The committee of the whole house to which was committed a joint resolution of the general assembly relative to maps of the state, to be published by John Scott of Wayne county, was discharged from the further consideration of the same.

Mr. Sample moved to amend said resolution so as to reduce the number of maps to be purchased for the state, to 10, instead of 75.

Mr. Boon moved that the further consideration of said joint resolution be postponed until the first Monday in December next.

And the aves and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Child, Crume, Deming, Dufour, Dumont, Hendricks, Lemon, Leviston, Long, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Orr, Pennington, Pollock, Read, Ritchey, Robb, St. Clair, Stewart, Trafton, Welburn, Work and Young—32.

And those who voted in the negative are,

Messrs. Brown, Craig, Dunn, Elliott, Finley, Frisbie, Goodhue, Hillis, Judah, Kinnard, Levenworth, Lomax, Morris, Pabody, Palmer, Riley, Sample, Slaughter, St. John, Steele, Sweetser, Taylor, Wallace, Worth and Howk, sp'r—25.

And so said motion was carried in the affirmative.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has concurred in the amendments adopted by the house of representatives to the engrossed bill from the senate, entitled, an act to amend an act entitled an act for the formation of congressional districts, and for the election of senators and representatives to congress, approved January 30, 1824.

On motion of Mr. Sweetser,

The committee of the whole house to which was committed the engrossed bill from the senate, entitled an act providing for the more certain preservation of the evidence of real estate, was discharged from the further consideration of the same.

Mr. Dunn moved to amend said bill in the first section, by adding at the end thereof the words following, to wit: "nor unless the same shall be duly acknowledged according to law."

Which motion was carried in the affirmative.

The amendment to said bill was then ordered to be engrossed and with said bill be read a third time to-morrow.

The house resolved itself into a committee of the whole, on the bill to amend the several acts regulating the militia in the state of Indiana, and after some time spent therein, the speaker resumed the chair, and Mr. Stewart reported progress and asked leave to sit again, which leave was granted by the house.

And then the house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, January 14th, 1829.

The house met pursuant to adjournment.

Mr. Boon presented a claim of Benjamin I. Blythe, for services rendered in obedience to a joint resolution of the general assembly, approved January 20, 1829, which was read and referred to the committee on claims.

Mr. Kinnard presented the petition of Moses McDaniel of Marion county, praying to be released from the further payment, for a certain out-lot in the town of Indianapolis, which was read and referred to a select committee of Messrs. Kinnard, Stewart, and Child.

Mr. Bassett, from the committee on education to whom was referred a resolution of this house, instructing them to report a bill preventing trustees of county libraries from allowing themselves compensation out of the library fund, reported a bill in addition to an act entitled an act to incorporate county libraries, approved January 28, 1824.

Which was read the first time and passed to a second reading to-morrow.

Mr. Frisbie from the select committee to whom was referred the bill to authorize the circuit court of the county of Perry to change the venue in a certain case therein named, reported the same with one amendment, which was twice read and concurred in by the house.

Ordered, That said amendments be engrossed and with said bill read a third time to-morrow.

Mr. Lemon, from the select committee to whom was referred the bill declaring Silver creek a public highway from its mouth to Preston's fork of said creek, reported that it is inexpedient to legislate on that subject at this time; which report was concurred in by the house.

Said bill was then ordered to lie on the table.

Mr. Palmer presented the following report. viz:

The second committee of free conference, appointed by the two houses as to the subject matter of difference, with regard to the amendments made by the house of representatives, to the amendments of the senate, to the bill to authorize the county surveyors to obtain copies of the field notes of the original corners of land in the respective counties have agreed to the following as a substitute to the fir t section of said bill, to wit:

Sec. 1. The surveyors of each and every county within this state, shall when directed by the board doing county business, procure a certified copy, from the registers of the land office of the district in which their respective counties are situate, the field notes of the townships, ranges, sections, fractional sections and quarter section, as originally surveyed, and deposite the same in the recorder's office of the proper county, where the same shall be kept for the use and benefit of the citizens of said county and at all times subject to their inspection.

The committee have also agreed that the senate shall concur in the third amendment of the house of representatives to the amendment of the senate. The said report being read, the same was concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Palmer, from the select committee to whom was referred the petition of Misilla M'Cormick of Jefferson county, reported a bill to divorce said Misilla M'Cormick from her husband James M'Cormick; which was read the first time; when,

Mr. Pennington moved to reject said bill.

Which motion was carried in the affirmative.

Mr. Sweetser moved to reconsider the vote given on rejecting the bill divorcing certain persons therein named.

Which motion was carried in the affirmative.

And the question again recurring on the rejection of said bill.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Child, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Judah, Kinnard, Leviston, Lomax, Long, Lynd, Matlock, M'Intire, M'Pheeters, Pabody, Read, Robb, Steele, Taylor, Wallace, Welburn, Work and Howk, Speaker—29.

And those who voted in the negative are,

Messrs. Brown, Craig, Crume, Deming, Dufour, Finley, Hillis, Levenworth, Marshall, Morris, Orr, Palmer, Pennington, Pollock, Ritchie, Slaughter, St. Clair, St. John, Stewart; Sweetser, Trafton, Worth and Young—24.

And so said bill was rejected.

Mr. Allen presented a joint resolution providing for an equal distribution of the three per cent. fund; which, at his request, was ordered to be spread upon the journal, and reads in the words following, viz:

"Whereas, By an act of the general assembly of the state of Indiana, approved December the 31st, 1821, there was appropriated from the fund commonly called the three per cent. fund, the sum of one hundred thousand dollars; which sum has been expended in locatiug and opening state roads, and improviug the navigation of rivers and creeks exclusively, or nearly so, in the counties south and east of the counties of Sullivan, Greene, Owen, Morgan, Marion, Hancock, Henry and Randolph—that this first and necessary step of Indiana into the system of internal improvements, has afforded unprecedented facilities to the emigration, wealth and happiness of the citizens of that part of the state to which it has been extended will not be denied. Unwilling

to lose sight of a system that has proved so substantially beneficial to one half, or more, of the state of Indiana; the citizens west and north of the above named counties, believe that the time has, or will shortly arrive, when that same liberal hand should be extended towards them, that the older settled part of the state has been favored with believing, that by the assistance of their equal part of that donation given by the general government, they would be partially if not entirely able to relieve themselves from the present difficulties that surround them at this time for the want of roads in that section of the state: *And whereas*, By the above recited act of the general assembly of the state of Indiana, no system was provided (when, in justice, there should have been one,) whereby the three per cent. fund could have been equally distributed throughout the state; for it is believed that such was the intention of the general government when the fund was provided for: And for the purpose of doing equal justice to all parts of the state,

Be it resolved by the general assembly of the state of Indiana, That so soon as all the different sums of money that have been heretofore appropriated from the three per cent. fund, shall have been received by the agent, and by him paid out agreeable to the several laws on that subject, all the money accruing to the three per cent. fund from payments made into the land-offices at Indianapolis, Crawfordsville and Fort-Wayne, shall be reserved to be hereafter applied exclusively in the counties of Sullivan, Greene, Owen, Morgan, Marion, Hancock, Henry, Randolph, and all the counties west and north of the same, in this state, for the purpose of locating and opening state roads, and improving the navigation of navigable water courses as the legislature may hereafter direct, until there shall be an equal proportion ex-

pended to that which has been expended south and east of the last named counties."

Mr. Read moved to reject said joint resolution.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Child, Crume, Dufour, Dumont, Elliott, Finley, Frisbie, Goodhue, Leviston, Lynd, Marshall, Morris, M'Pheeters, Moyer, Pabody, Pennington, Read, Ritchey, Sample, St. Clair, St. John, Stewart, Trafton, Wallace, Welburn and Work—28.

And those who voted in the negative are,

Messrs. Allen, Bassett, Boon, Craig, Deming, Dunn, Hendricks, Hillis, Judah, Kinnard, Lemon, Levenworth, Lomax, Long, Matlock, M'Intire, Orr, Palmer, Robb, Slaughter, Steele, Sweetser, Taylor, Worth and Young—25.

And so said joint resolution was rejected.

Mr. St. Clair from the joint committee for enrolled bills reported, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bill, viz:

An act to establish a state road from Madison in the county of Jefferson, to Lawrenceburgh in the county of Dearborn.

Mr. Crume presented a joint resolution relative to the distribution of a part of the revised code of 1824.

Which was read the first time; when,

Mr. Boon moved to reject the same.

Which motion was decided in the negative.

Said joint resolution was then ordered to a second reading.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed the engrossed bill from the house of representatives entled—

An act making appropriations for the payment of the commissioners and other persons employed in surveying and marking a road from Lake Michigan to Indianapolis, without amendment.

The senate also concur in the report of the second committee of free conference appointed to take into consideration the disagreeing votes of the two houses, on the engrossed bill from the house of representatives, entitled—

An act to authorize the county surveyors to obtain copies of the field notes of he original corners of land in their respective counties.

The bill making general appropriations for the year 1829, was read the third time and passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed joint resolution of the general assembly of the state of Indiana, relative to the American colonization society, was read a third time and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill declaring Eel river a public highway, was read a third time and passed.

The title of said bill was then so amended as to read, "an act for the improvement of the navigation of Eel river and for other purposes.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate entitled, an

act making provision for compensation to the recorders of Monroe and Gibson counties;

The engrossed bill from the senate entitled, an act to provide for printing and distributing the laws and journals of the present session; and,

The engrossed bill from the senate entitled, an act for the more certain preservation of the evidence of title to real estate, were severally read a third time, as amended and passed.

Ordered, That the clerk carry the same to the senate, and ask their concurrence in said amendments.

The engrossed bill from the senate entitled an act providing the mode of opening and repairing publick roads and highways in certain counties therein named, approved January 21, 1826, was read a third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

The house then resolved itself into a committee of the whole on the bill to subject trust estates, equitable interest and choses in action to the payment of debts; and after some time spent therein, the speaker resumed the chair, and Mr. Taylor reported the same with sundry amendments, which were concurred in by the house generally.

And the question being put, Shall said bill be engrossed and read a third time to-morrow.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Brown, Child, Dumont, Dunn, Goodhue, Judah, Kinnard, Leviston, Lomax, Long, Lynd, M'Intire, Morris, M'Pheeters, Moyer, Read, Riley, Ritchie, Robb, Slaughter, Steele, Sweetser, Welburn, Work and Howk, Speaker—27.

And those who voted in the negative are,

Messrs. Bassett, Blair, Craig, Crume, Deming, Dufour, Elliott, Finley, Frisbie, Hendricks, Hillis, Lemon, Levenworth, Matlock, Marshall, Orr, Pabody, Palmer, Pennington, Pollock, Sample, St. Clair, St. John, Stewart, Taylor, Trafton, Wallace Worth and Young—29.

And so said bill was lost.

The house resolved itself into a committee of the whole on the bill, to amend the several acts now in force regulating the militia of the state of Indiana, and a bill of this house supplemental to the act regulating the militia of the state of Indiana; and after some time spent therein, the speaker resumed the chair, and Mr. Trafton reported progress and asked leave to sit again; which leave was refused by the house.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The following message was received from his excellency the Governor, by Mr. Wm. W. Wick:

Mr. Speaker,

I am requested by his excellency the Governor, to announce to the house of representatives, that on the 13th instant, the enrolled bill which originated in this house, entitled:

An act to establish a state road from Grandison Thomas's farm, in Daviess county, to intersect the state road at or near Richard Weaver's in said county;

An act to authorize William Youse to build a toll bridge across the east fork of Whitewater river;

Severally received his approbation and signature.

The house then resumed the consideration of the engrossed bill from the senate, to amend the several acts now in force regulating the militia of the state of Indiana, and the bill supplemental to an act regulating the militia of the state of Indiana.

Mr. Long moved to strike out the first section of the first named bill, which reads in the words following to wit:

"That the 19th section of the act entitled an act regulating the militia of the state of Indiana, approved January 20, 1824, be and the same is hereby repealed," and insert in lieu thereof the following words, to wit:

"That the act approved January 19, 1828, entitled an act to amend an act regulating the militia of the state of Indiana, approved January 20, 1824, shall *not* be so construed as to repeal the law requiring one battalion muster in each year."

Mr. Steele then moved that the further consideration of said bill and proposed amendment be indefinitely postponed.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Child, Craig, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Hendricks, Kinnard, Levenworth, Leviston, Lomax, M'Intire, Pabody, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Robb, Steele, Sweetser, Welburn, Worth and Young —28.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Boon, Crume, Deming, Hillis, Lemon, Long, Lynd, Matlock, Morris, M'-

Pheeters, Moyer, Orr, Sample, St. John, Stewart, Trafton, Wallace, Work and Howk, Speaker—23.

And so said motion was carried in the affirmative.

Mr. Long moved to amend the last named bill by adding as an additional section thereto, the words following, viz:

"That the act approved January 17, 1828, entitled an act to amend an act regulating the militia of the state of Indiana, approved January 20. 1824, shall *not* be so construed as to repeal the law requiring one battalion muster in each year."

Mr. Palmer moved to amend said amendment by striking out the word "*not*."

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bassett, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Hendricks, Kinnard, Leviston, Lomax, M'Intire, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Steele, Welburn and Worth—21.

And those who voted in the negative are,

Messrs. Allen, Bell, Blair, Boon, Brown, Child, Craig, Crume, Deming, Goodhue, Hillis, Judah, Lemon, Long, Lynd, Matlock, Morris, M'Pheeters, Moyer, Orr, Pabody, Robb, Sample, Slaughter, St. Clair, St. John, Stewart, Sweetser, Taylor, Trafton, Wallace, Work, Young and Howk, speaker—34.

And so said motion was decided in the negative.

And the question recurring on Mr. Long's motion to amend said bill;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Brown, Child, Craig, Crume, Deming, Goodhue, Hillis, Judah, Lemon, Leviston, Long, Matlock, Morris, M'Pheeters, Moyer, Orr, Pabody, Robb, Sample, St. Clair, St. John, Stewart, Sweetser, Taylor, Wallace, Welburn, Work, Young and Howk, sp'r—34.

And those who voted in the negative are,

Messrs. Bassett, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Hendricks, Kinnard, Levenworth, Lomax, M'Intire, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Slaughter, Steele, Trafton and Worth—22.

And so said motion was carried in the affirmative.

Mr. Orr moved further to amend said bill by adding the following as two additional sections, to wit:

Sec. That the county of Clay shall hereafter constitute one regiment and form a part of the fifteenth brigade, and shall elect the necessary officers to command the same, so soon as the officer, whose duty it is to order such election, shall direct.

Sec. No part of the militia of Warren county shall hereafter be compelled to attend any muster out of said county, but shall be enrolled and trained within said county by the commanding officer of the 59th regiment.

Which motion was carried in the affirmative.

Mr. Dumont moved further to amend said bill by adding the following as an additional section thereto, viz:

"That hereafter any officer who shall produce to the court of appeals satisfactory evidence that he has been five years a commissioned officer, and that he has during that time been equipt with such military dress as is provided by the 62d section of an act to regulate the militia of the state of Indiana,

approved January 24, 1824, shall be thereafter exempt from military service in time of peace.

Mr. Wallace moved to amend said amendment by striking out the word "five," and inserting "ten," in lieu thereof.

Which motion was decided in the negative.

Mr. Hillis moved to amend the amendment by adding at the end thereof the words following, to wit:

"And that every soldier who has served as such for the term of ten years, being armed and equipt as the law directs, shall be thereafter exempted in like manner."

Which motion was carried in the affirmative.

The question then recurring on the adoption of said amendment as amended, the same was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

Mr. St. Clair, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bill, entitled,

An act making appropriations for the payment of the commissioners and other persons employed in surveying and marking a road from Lake Michigan to Indianapolis;

And find the same truly enrolled;

When,

The speaker signed the said bill.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has passed en-

grossed bills of the house of representatives, entitled as follows, to wit:

An act to change the name of John Smith to John Lucius Smith;

An act authorizing the trustees of the first Presbyterian church in the town of New Albany to sell and convey the real estate of said church;

An act concerning the town of Utica, without amendment.

The senate has also passed engrossed joint resolutions, from the house, as follows, to wit:

A joint resolution relative to the monies due the state by the securities of William H. Moore, late collector of revenue of Clark county, and against the estate of Reuben W. Nelson of said county deceased;

A joint resolution to increase the salary of the agent of the three per cent. fund, without amendment.

The senate also has passed engrossed bills of the house of representatives, entitled as follows, to wit:

An act to establish a clay turnpike road from the town of Levenworth in Crawford county, twenty miles or more in the direction of Indianapolis;

An act to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain; and,

An act appointing commissioners to relocate the seat of justice of Dubois county, the second last mentioned bill with two amendments, and the last with seven amendments.

In which the concurrence of the house is requested.

The senate has also passed engrossed bills, which originated in the senate, entitled as follows, viz:

An act supplementary to the act entitled an act for the formation of the county of Cass, passed at the present session of this general assembly;

An act to ensure and commence the construction

of the canal to connect the navigable waters of the Wabash river with the navigable waters of Lake Erie;

In which two last mentioned bills the concurrence of the house of representatives is requested.

The amendments proposed by the senate to the bill entitled an act to change the mode of doing county business in the county of Wayne, Jefferson, Ripley and Fountain, were read; the 2d amendment agreed to, and the 1st disagreed to by the house.

Ordered, That the clerk inform the senate thereof.

The amendments proposed by the senate to the engrossed bill entitled an act appointing commissioners to re-locate the seat of justice of Dubois, county were read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate, entitled an act supplementary to the act entitled an act for the formation of the county of Cass, passed at the present session of this general assembly; and,

The engrossed bill from the senate, entitled an act to ensure and commence the construction of the canal to connect the navigable waters of the Wabash river, with the navigable waters of Lake Erie, were severally read the first time, and passed to a second reading to-morrow.

The house resolved itself into a committee of the whole, on the bill to amend the act entitled an act to regulate decents, approved January 2, 1817, and after some time spent therein, the speaker resumed the chair and Mr. Wallace reported the same without amendment.

Said bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Stewart,

The committee of the whole house to which was committed the bill to amend the law regulating grist

mills, was discharged from the further consideration thereof.

Ordered, That said bill be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole, on the engrossed bill from the senate entitled an act to form an additional circuit, to be called the sixth judicial circuit; the bill of this house to amend the several acts regulating the judicial circuits and fixing the times of holding courts; and the bill of this house for the formation of judicial circuits and fixing the times of holding courts therein, and after some time spent therein, Mr. Welburn reported progress and asked leave to sit again, which leave was granted by the house.

Mr. St. Clair, from the joint committee for enrolled bills reported, that they did on this day, present to his excellency, the governor, for his approval and signature, the following enrolled bill, viz:

An act making appropriations for the payment of the commissioners and other persons employed in surveying and marking a road from Lake Michigan to Indianapolis.

Mr. Marshall, from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, to wit:

An act incorporating the townships in the county of Shelby;

An act to amend an act entitled an act, relative to crimes and punishments;

An act to establish a state road from Rushville in Rush county, to Lawrenceburgh in Dearborn county;

And find the same truly enrolled.

When, the speaker signed the said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The house then adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, January 15th, 1829.

The house met pursuant to adjournment.

Mr. Hendricks presented a petition of Allen Prior and others, citizens of Decatur county, praying a change in the mode of doing county business in said county, and a remonstrance of John Fugit and others, of said county, on the same subject; which were read and referred to a select committee of Messrs. Hendricks, Brown and Morris.

Mr. Frisbie, from the select committee to whom was referred the petition of John Morris and others, citizens of Spencer county, praying a relocation of the seat of justice of said county, and also the remonstrance of Vincent C. Brown and others of said county, against said relocation, reported, that they have had the same under consideration, and directed him to report, that it is inexpedient to legislate further on that subject at this time.

Said report being read, the same was concurred in by the house.

Mr. Child, from the select committee to whom was referred an engrossed memorial from the senate, of the general assembly, on the subject of the extinguishment of the Indian title to lands within the state of Indiana, reported the same with an amendment; which was twice read, and concurred in by the house.

Mr. Child then moved that the further consideration of said memorial, as amended, be indefinitely postponed.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Boon, Child, Dufour, Dumont, Dunn, Elliott, Frisbie, Goodhue, Judah,

Lemon, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Ritchey, St. Clair, Stewart, Trafton and Young—27.

And those who voted in the negative are,

Messrs. Allen, Brown, Craig, Crume, Deming, Finley, Hendricks, Hillis, Kinnard, Levenworth, Leviston, Lomax, Long, Orr, Pollock, Read, Riley, Robb, Sample, Slaughter, St. John, Steele, Sweetser, Wallace, Welburn, Work, Worth and Howk speaker—28.

And so said motion was decided in the negative.

Said amendment was then ordered to be engrossed, and with said memorial, read a third time tomorrow.

Mr. Kinnard, from the select committee to whom was referred the petition of Moses M'Daniel, reported a bill for his relief; which was read the first time; when,

Mr. Matlock moved to reject said bill.

Which motion was carried in the affirmative.

Mr. Slaughter, from the select committee to whom was referred the engrossed bill from the senate entitled, an act regulating medical societies, reported the same without amendment.

Mr. Boon moved that the further consideration thereof be indefinitely postponed.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Brown, Crume, Deming, Dufour, Elliott, Finley, Hendricks, Lemon, Lomax, Long, Lynd, M'Intire, Morris, M'Pheeters, Moyer, Orr, Palmer, Pollock, Robb, Sample, St. Clair, Steele, Stewart, Sweetser, Taylor, Trafton, Welburn, Work and Worth—34.

And those who voted in the negative are,

Messrs. Craig, Dumont, Frisbie, Goodhue, Hillis, Kinnard, Levenworth, Leviston, Matlock, Marshall, Pabody, Pennington, Read, Riley, Ritchey, Slaughter, St. John, Wallace, Young & Howk, Sp'r—20.

So said motion was carried in the affirmative.

Mr. Lomax presented the following resolution, to wit:

Resolved, That this house will not receive new business after Monday next: Therefore, the members of this house are requested to bring forward their business by that time.

Mr. Long moved to lay said resolution on the table.

Which motion was carried in the affirmative.

Mr. Brown moved to take up the resolution offered by him on the 9th instant, relative to adjournment.

Which motion was decided in the negative.

Mr. Sweetser moved to reconsider the vote taken on the passage of the engrossed bill from the senate relative to the printing and distributing the laws and journals of the present session.

Which motion was carried in the affirmative.

On motion of Mr. Palmer,

Said bill was recommitted to a select committee of Messrs Palmer, Sweetser and Child.

On motion of Mr. Hillis,

Resolved, That a select committee of three, to consist of Messrs. Elliott, Craig and Kinnard be appointed to examine into the situation of the office of the secretary of state, in order to ascertain if any alteration or repairs are necessary to be made for the better preservation of the contents of said office, with leave to report by bill or otherwise.

On motion of Mr. Craig,

Mr. Hillis was added to said committee.

Mr. Sweetser, from the select committee to whom

was referred the engrossed bill from the senate relative to the printing and distributing the laws and journals of the present session, reported the same with one amendment; which was twice read and concurred in by the house.

Said amendment was then ordered to be engrossed, and with said bill read a third time to-morrow.

The joint resolution relative to a distribution of a part of the revised code of 1824;

The bill in addition to an act entitled, an act to incorporate county libraries, approved January 28, 1824; were severally read the second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the senate supplementary to the act entitled an act for the formation of the county of Cass, passed at the present session of the general assembly, was read the second time, and passed to a third reading to-morrow.

The engrossed bill from the senate to ensure and commence the construction of the canal to connect the navigable waters of the Wabash river, with the navigable waters of Lake Erie, was read the second time, and committed to a committee of the whole house, and made the order of the day for to-morrow.

The engrossed bill supplementary to an act regulating the militia of the state of Indiana, was read the third time; and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Child, Crume, Deming, Dufour, Dumont, Dunn, Frisbie, Goodhue, Hendricks, Hillis, Judah, Lemon, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Phee-

ters, Moyer, Orr, Pabody, Pennington, Riley, Ritchey, Robb, Sample, Slaughter, St. Clair, St. John, Stewart, Sweetser, Taylor, Trafton, Wallace, Work, Worth and Howk—speaker—43.

And those who voted in the negative are,

Messrs. Elliott, Finley, Kinnard, Levenworth, Leviston, Lomax, Palmer, Pollock, Read, Steele and Welburn—11.

And so said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate entitled, an act to authorize the circuit court of Perry county to change the venue in a certain case therein named, was read the third time and passed, as amended.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

The engrossed bill to amend the law regulating grist mills;

The engrossed bill to amend the act entitled, an act to regulate descents, were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the clerk carry the same to the senate and ask their concurrence therein.

The house resolved itself into a committee of the whole on the bill to organize probate courts, and defining the powers and duties of executors and administrators; and after some time spent therein, the speaker resumed the chair, and Mr. Work reported progress, and asked leave to sit again.

Which leave was granted bv the house.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house again resolved itself into committee of the whole on the bill to organize probate courts, and to define the powers and duties of executors and administrators; and after some time spent therein, the speaker resumed the chair, and Mr. Worth reported progress, and asked leave to sit again.

Which leave was granted by the house.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has concurred in the amendment proposed by the house of representatives to the engrossed bill of the senate entitled, an act to authorize the circuit court of the county of Perry to change the venue in a certain case therein named.

The following message was received from his excellency the Governor, by Mr. Morrison, secretary of state:

Mr. Speaker,

I am instructed by the Governor, to inform the house of representatives, that he did, on yesterday, approve and sign an enrolled bill entitled—

An act making appropriations for the payment of the commissioners and other persons employed in surveying and marking a road from Lake Michigan to Indianapolis; which originated in this house.

The house then adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, JANUARY 16, 1829.

The house met pursuant to adjournment.

The speaker laid before the house, the following communication from his excellency the governor, with accompanying documents, viz:

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND. Jan. 15, 1829.

Hon. Isaac Howk. Speaker of the House of Representatives:

SIR:—The undersigned embraces the earliest opportunity, to inform the general assembly of the state of Indiana, now in session, that in obedience to a joint resolution of the same, approved on the 5th inst. making it his duty to lay before the commissioner elected by the legislature of the state of Indiana, to negotiate with a commissioner of the state of Ohio, relative to the contemplated Wabash and Maumee canal, and the lands which the former state holds within the latter, by grant from the United States, all the documents necessary for such negotiation, he did, forthwith, transmit to the said first mentioned commissioner, a certified copy of the said joint resolution; his commission as such; a joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by act of congress of the 2d March 1827, shall be conveyed to the state of Ohio; a copy of a correspondence between the executives of the states of Ohio and Indiana; and a letter referring the said commissioner to the several acts of congress respecting the said grant, and on the 14th instant, received two communications from the hands of the sergeant at arms aforesaid, from Mr. Sullivan, herewith enclosed marked A. and B.—One of which acknowledges

his acceptance of the appointment conferred upon him, and the object of the other, appears to be, to obtain some definite information as to the *terms* on which the cession of our lands should be made to the state of Ohio. You will perceive by a reference to the communication referred to, that the views of your executive or such other opinions as can be relied upon, are solicited with respect to this negotiation. On reading the resolution creating the said commissioner, I was at once aware of the responsibility it would throw upon him, and the difficulty that would arise, from the manifest absence of any instructions whatever, as to the views of this state, relative to the subject generally, and especially with respect to the main question, the equivnlent or consideration, that must be insisted on for the land so ceded. The executive of this state, (though not required by law to do so,) might with other gentlemen, give their opinions to our commissioner as a foundation for the propositions and definitive arrangements which are to follow; but, these being *individual* and *voluntary acts*, and subject to be disapproved of by the representatives of the people, could not be expected to have the same weight with the commissioner, as if the leading principles which should control the negotiation were settled by the legislature, or the outlines of such a convention as we could accept of, were delineated, leaving the commissioner at the same time sufficient latitude, to conclude the most advantageous compact that can be obtained. If the executive of the state of Indiana, were satisfied, that his opinion coincided with that entertained by the legislature, then being authorized to act, he would cheerfully give such a letter of instruction to the commissioner, as he might believe, would bring the subsisting difficulties to the most favorable conclusion; but, without some expression of the views of your body, he would approach the subject with re-

luctance. Hoping that you will take this matter into consideration, it may be expected that my opinion will not be withheld on the important point presented on this subject.

I cannot admit that we are *bound*, by any just expectations, that may have been created with Ohio, by the several acts of congress granting those lands to Indiana, and authorizing Indiana to grant the same back to the state of Ohio, or by necessity, to cede the lands in controversy to the latter state, upon any other than reciprocal terms, or such as shall secure to us an interest and advantages equal to the land we shall part with. If the authorities of the state of Ohio believe, that this state will be *compelled* to surrender these lands upon any terms which she may dictate, it is possible that the equivalent which we shall receive for them, will not amount to a fair recompense. That we shall not be reduced to the alternative of sacrificing a grant of lands worth near half a million of dollars, should Ohio insist upon terms that are hard or inequitable, is fully substantiated by the powers which congress by large successive majorities, has exercised in the repeated prosecutions of public works, of national importance, in many of the state governments, without their consent, Congress having power to do these things by virtue of *her own authority*, can ununquestionably authorize the same thing to be done by *another*. She may prosecute a national work by persons employed directly by herself, or by a state government, subject to the right of jurisdiction of the state where the improvement is, to every extent, except it is to interfere with its usefulness, or to effect interests or running inseparably connected with the work.

Indiana, it is true, could not prosecute a great public work in another state, without the consent of such state, by *her own authority*, but in the name of

the general government; and as her trustee, she may, if the general government has the power to do so.

These premises being presumed, this state might propose to the state of Ohio, to become interested by a subscription of stock or otherwise, in amount to the *value* of the Ohio lands, by paying to the state of Ohio an annual stipulated tax out of said stock, for the privilege of holding an interest in the canal, and for the free navigation by our citizens, of that part of it lying within Ohio, tendering the same privilege to the citizens of Ohio to navigate that part of it which lies in Indiana, free of toll. By this means we should have an interest in the profits of the Ohio section equal to our stock, which might be redeemed by the proceeds of the land sales.

If there were any doubts with respect to the title to these lands being vested effectually in Indiana by the first act of Congress, the act of the last session removes it; or why should provision be made for us to cede to Ohio?

That we may not by the legislation of this session, make ourselves too dependent upon the state of Ohio, by authorizing the sale of our canal lands *lying within our own state, this year absolutely*; and thereby, by implication or positive stipulation, oblige ourselves to open a canal in Indiana; or to pay damages to the purchaser for a breach of faith, I would respectfully recommend to you, to enact a law, authorizing the governor or the canal commissioners to suspend the sales contemplated to be made, if the negotiation with Ohio should prove abortive, until the same is brought to such a conclusion as you may require.

I believe it to be of the utmost importance that such a provision should be made, either in the canal bill now before you, or in a supplemental law.

There is no positive certainty that the state of Ohio will accede to the terms of our commissioner,

before our lands are sold, if ever; and then it will be too late to assume that favorable attitude which we might, prior to that time.

Respectfully submitted,

Your. obed't. serv't.

J. BROWN RAY.

MADISON, JANUARY 10, 1829.

His Excellncy J. Brown Ray,
Governor of Indiana.

SIR:—I acknowledge the receipt of your letter of the 6th inst. accompanying my appointment as "Commissioner on behalf of the state of Indiana to adjust the terms upon which the lands granted to this state by act of congress of the 2d March 1827, shall be conveyed to the state of Ohio." The nature of the trust reposed in me, and the highly honorable manner in which it was conferred, compel me to accept it. Will you please communicate to the legislature my acceptance, and receive for yourself assurances of my regard.

JER. SULLIVAN.

MADISON, January 10, 1829.

His Excellency, James B. Ray:

SIR—In another letter, which Dr. Davis will hand you, my acceptance of the appointment conferred on me by the legislature, is communicated.—I expect to leave this place on the 13th or 14th instant, for Columbus, Ohio, to proceed to discharge the duties imposed upon me—as the weather is severely cold, and the roads rough, I do not expect to

arrive at Columbus before the 20th; at which time, I have no doubt I shall find the legislature of that state in session. I presume the commissioner of Ohio, no more than myself, will be disposed to enter into definitive arrangements immediately. A compact, embracing and defining interests, so important to both states, as will probably be formed, should be well matured, and carefully considered.

It may be possible however, that preliminary arrangements will be made, and propositions submitted for consideration, to be acted on at a conference to be holden at some future period. With an eye to that state of things, I would be pleased to receive from your excellency, a communication directed to me at Columbus, Ohio, containing your views of the terms on which the cession of our lands should be made, or the opinions of any intelligent man with whom you may have conversed, what advantages this state is willing to forego, and what equivalent we should ask from Ohio, for the conveyance proposed.

The correspondence between the executives of the two states, furnished all the information which could be expected from a correspondence so general in its nature; but as it is possible we may have a choice of terms, it is advisable to know which would be regarded most advantageous. With the hope that your excellency will afford me all the information you have acquired on this subject,

I subscribe myself, your's respectfully,

JER. SULLIVAN.

The above communication and documents were read and referred to the committee on canals and internal improvements.

Mr. Read presented remonstrances of Joseph Horolsclow and others, and John Kelley and others of Martin county, against changing so much of the

road leading from New Albany to Vincennes, which leads from Abraham Marcles' to a place called Clark's stand on the Black oak Ridge.

Which was read and ordered to lie on the table.

Mr. Matlock presented a petition of Benjamin Benson and others, and of Martin Bly and others, citizens of Hendricks county, praying that so much of the road leading from Indianapolis to Montezuma as lies between Danville in said county and Montezoma be vacated, and the funds appropriated for the improvement of said road, be expended on that part which lies between Indianapolis and Danville.

Which was read and referred to the committee on roads.

Mr Marshall, from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, to wit:

An act to change the name of John Smith to John Lucius Smith;

An act authorizing the trustees of the first Presbyterian church in the town of New Albany to sell and convey the real estate of said church;

An act to authorize the county surveyors to obtain copies of the field notes of he original corners of land in their respective counties;

An act appointing commissioners to relocate the seat of justice of Dubois county;

An act to establish a clay turnpike road from the town of Levenworth in Crawford county, twenty miles or more in the direction of Indianapolis;

An act to amend an act entitled an act for the formation of congressional districts, and for the election of senators and representatives to congress, approved January 30, 1824;

An act to amend an act providing the mode of opening and repairing public roads and highways in certain counties therein named. approved January 21, 1824;

A joint resolution to increase the salary of the agent of the three per cent. fund; and,

A joint resolution relative to the monies due the state by the securities of William H. Moore, late collector of revenue of Clark county, and against the estate of Reuben W. Nelson of said county deceased;

And find the same truly enrolled;

When,

The speaker signed the said bills and joint resolutions.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. St. Clair, from the joint committee for enrolled bills reported, that they did on this day, present to his excellency the governor, for his approval and signature, the following enrolled bills, viz:

An act to amend an act entitled an act, relative to crimes and punishments;

An act incorporating the townships in the county of Shelby;

An act to establish a state road from Rushville in Rush county, to Lawrenceburgh in Dearborn county;

Mr. Hillis from the committee of ways and means, to whom was referred the resolution of this house instructing them to enquire into the expediency of altering the law for assessing and collecting the revenue, so that the lister and collector shall advertise and meet the people in their different townships or districts for that purpose. And also that they enquire into the expediency of abolishing the office of lister of land, &c.; and also to inquire into the expediency of making it the duty of each and every person to go to the appointed places in each township and pay his taxes, &c.; and also to make lands of residents liable for other taxes than those levied on land, have had the same under their consideration,

and have instructed him to report that it is inexpedient to legislate on these subjects at this time.

Which report was read and concurred in by the house.

On motion of Mr. Sample,

Resolved, That the auditor of state be requested to communicate to this house as soon as practicable, the amount of delinquencies for tax on bank stock, from what bank due, and whether in his opinion the ame can be collected.

Mr. Slaughter, after having obtained leave, presented a bill to repeal all laws relative to the practice of medicine and surgery within this state.

Which was read the first time, and passed to a second reading to-morrow.

Mr. Lemon, after having obtained leave, presented a bill to revive an act for opening and repairing public roads and highways, approved January 1, 1826, in certain counties therein named.

Which was read the 1st and 2d times, the rules of the house having been first dispensed with, and ordered to be engrossed and read a third time on this day.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has agreed to the amendments proposed by the house, to the engrossed bills of the senate, entitled as follows, to wit:

An act providing for the more certain preservation of the evidence of title to real estate; and,

An act making provision for compensation to the recorders of Gibson and Monroe counties.

The senate insist upon their first amendment proposed by them to the engrossed bill from the house of representatives, entitled,

An act to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain.

The senate has also passed an engrossed bill, entitled,

An act to amend an act entitled an act to encourage the killing of wolves, approved January 27, 1827.

In which the concurrence of the house is requested.

On motion of Mr. Elliott,

The house then receded from their disagreement to the first amendment proposed by the senate, to the engrossed bill from the house entitled,

An to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate, entitled an act to amend an act to encourage the killing of wolves, approved January 27, 1827, was read the first and second times, the rules of the house having first been dispensed with.

Mr. St. John moved to amend said bill in the first section so as to authorize justices of the peace to grant certificates on which payment shall be made, instead of clerks of the circuit court.

Which motion was decided in the negative.

Mr. Dufour moved to amend said bill in the 2d section, so as to authorize the persons killing any dog or dogs mentioned in said section, to receive the same compensation or reward as is by the said act given to persons killing wolves.

Mr. Levenworth moved to amend said amendment by adding thereto the words following:

"Which premium the owner of such dog or dogs shall pay to the person killing the same; and should such owner refuse to pay the same, the person kil-

ling shall have the right to recover the same by suit before some justice of the peace in the county where such dog was killed.

Which motion was carried in the affirmative

And on the question, to agree to said amendment as amended, the same was decided in the negative.

Mr. Bassett moved that the further consideration of said bill be indefinitelely postponed.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bassett, Deming, Dufour, Dumont, Dunn, Elliott, Finley, Leviston, Lomax, M'Intire, M'Pheeters. Palmer, Pennington, Robb, Steele, Stewart, Work and Howk, speaker—18.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Brown, Child, Craig, Crume, Frisbie, Goodhue, Hendricks, Hillis, Kinnard, Lemon, Levenworth, Long, Lynd, Matlock, Marshall, Morris, Moyer, Orr, Pabody, Pollock, Read, Riley, Ritchey, Sample, Slaughter, St. Clair, St. John, Sweetser, Taylor, Trafton, Welburn, Worth and Young—36.

And so said motion was decided in the negative.

Mr. Elliott moved to amend said bill so that the payment of wolf scalps should be made out the county treasury instead of the state treasury.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Dufour, Dunn, Elliott, Finley, Lemon, Leviston, Lomax, Lynd, M'Pheeters, Palmer, Pennington, Pollock, Sample, Steele, Stewart, Welburn, Work and Howk, Speaker —19.

And those who voted in the negative are,

Messrs. Bell, Blair, Boon, Child, Craig, Crume, Deming, Dumont, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Long, Matlock, Marshall, M'Intire, Morris, Moyer, Orr, Pabody, Read, Riley, Ritchie, Robb, Slaughter, St. Clair, St. John, Sweetser, Taylor, Trafton, Welburn, Worth and Young—37.

And so said motion was decided in the negative.

Mr. Crume moved to amend said bill, by striking out the second section thereof, which reads in the words following, to wit:

Be it further enacted, That it shall and may be lawful for any person to kill any dog or dogs known to have killed or destroyed sheep.

Which motion was decided in the negative.

Said bill then passed to a third reading to-morrow.

Mr. Read moved to reconsider the vote given on yesterday rejecting the bill for the relief of Moses M'Daniel.

Which motion was carried in the affirmative.

The question recurring on the motion to reject said bill, the same was carried in the affirmative.

The engrossed joint resolution relative to a distribution of part of the revised code of 1824;

The engrossed bill in addition to an act entitled an act for the incorporation of county libraries, approved January 28th, 1824;

Were severally read a third time and passed.

Ordered, That the said bill be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate, entitled an act supplementary to the act entitled an act for the formation of the county of Cass, passed at the present session of this general assembly, was read a third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

The engrossed memorial of the general assembly on the subject of extinguishing the Indian title to lands within the state of Indiana, from the senate, was read the third time as amended.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Blair, Boon, Craig, Crume, Deming, Elliott, Finley, Hendricks, Hillis, Judah, Kinnard, Levenworth, Leviston, Lomax, Long, Marshall, M'Intire, Orr, Pollock, Read, Riley, Robb, Sample, Slaughter, St. John, Steele Sweetser, Wallace, Welburn, Worth, Young and Howk—speaker—32.

And those who voted in the negative are,

Messrs. Bassett, Bell, Brown, Child, Dufour, Dumont, Frisbie, Goodhue, Lemon, Lynd, Matlock, Morris, M'Pheeters, Moyer, Pabody, Palmer, Pennington, Ritchey, St. Clair, Stewart, Trafton and Work—22.

And so said memorial passed as amended.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendment.

The engrossed bill from the senate entitled, an act to provide for printing and distributing the laws and journals of the present session of the general assembly, was read the third time and passed as amended.

Ordered, That the clerk carry the same to the senate, and ask their concurrence in said amendments.

Mr. Read moved that the several orders of the day which precede the engrossed bill from the senate entitled—

An act to ensure and commence the construction of the canal to connect the navigable waters of the Wabash river with the navigable waters of Lake Erie, be for the present postponed; and that the same be now taken up.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Craig, Crume, Deming, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lomax, Orr, Palmer, Pollock, Read, Riley, Sample, Steele, Taylor, Trafton and Young —21.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Boon, Brown, Child, Dufour, Dumont, Finley, Lemon, Levenworth, Leviston, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Ritchey, Slaughter, St. Clair, St. John, Stewart, Wallace, Welburn, Work, Worth and Howk, speaker—32.

And so said motion was decided in the negative.

The house resolved itself into a committee of the whole on the bill to organize probate courts, and defining the powers and duties of executors and administrators; and after some time spent therein, the speaker resumed the chair, and Mr. Young reported the same with sundry amendments; which were concurred in by the house generally.

Mr. Kinnard moved further to amend said bill in the 1st section, by striking out the following proviso, viz:

"*Provided*, That no person shall be elected such judge, or receive a commission therefor, until he

shall first obtain a certificate from the president judge of either of the circuit courts of this state, or from one of the judges of the supreme court, that he is qualified for such office."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Crume, Dufour, Hendricks, Kinnard, Levenworth, Lomax, Long, M'Pheeters, Palmer, Pennington, Read, Riley, Ritchey, St. Clair, Stewart, Taylor and Young—20.

And those who voted in the negative are,

Messrs. Bell, Boon, Child, Deming, Dumont, Dunn, Elliott, Finley, Frisbie, Goodhue, Hillis, Judah, Leviston, Matlock, Marshall, M'Intire, Morris, Moyer, Orr, Pabody, Pollock, Robb, Sample, Slaughter, St. John, Steele, Sweetser, Trafton, Wallace, Welburn, Worth and Howk, Sp'r—32.

So said motion was decided in the negative.

Mr. Palmer moved further to amend said bill in the first section, by adding at the end thereof the following additional proviso, viz:

"*Provided also*, That the aforesaid proviso shall not be so construed as to require such applicant to be an attorney at law; but if the individual possesses ordinary attainments, and be of good moral character, the judge shall grant the certificate applied for."

Mr. Sweetser moved to amend said amendment by striking out all after the words "attorney at law."

Which motion was carried in the affirmative.

And the question recurring on Mr. Palmer's motion as amended,

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Deming, Dufour, Dumont, Elliott, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pennington, Pollock, Read, Riley, Ritchey, Robb, Sample, Slaughter, St. John, Steele, Stewart, Sweetser, Taylor, Trafton, Wallace, Young and Howk, sp'r—46.

And those who voted in the negative are,

Messrs. Bassett, Crume, Dunn, St. Clair, Welburn, and Worth—6.

And so said motion was carried in the affirmative.

Mr. Slaughter moved further to amend said bill in the twenty-first section, by adding the following proviso:

"*Provided however*, That nothing in this section shall be so construed as to prevent the poor widow of any other decedent from recovering by law at least fifty dollars: *Provided*, Her claim amount to so much, from the widow retaining the above named amount of one hundred dollars."

Which motion was decided in the negative.

The question being then put, Shall said bill be engrossed and read the third time to-morrow?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Boon, Crume, Deming, Dufour, Dumont, Elliott, Frisbie, Goodhue, Hillis, Levenworth, Leviston, Marshall, Matlock, Morris, Orr, Pabody, Pollock, Read, Riley, Robb, Sample, Slaughter, St. Clair, St. John, Sweetser, Trafton, and Welburn—27.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Child, Dunn, Hendricks, Judah, Kinnard, Lomax, Long, Lynd, M'Intire, M'Pheeters, Moyer, Palmer, Pennington, Ritchie, Steele, Stewart, Taylor, Wallace, Worth, Young and Howk, Speaker—24.

And so said motion was carried in the affirmative.

And then the house adjourned until 2 o'clock, P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The engrossed bill to revive an act entitled, an act providing for opening and repairing public roads and highways in certain counties therein named, approved January 21st, 1824, was read a third time and passed.

Ordered, That the said bill be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The house resolved itself into a committee of the whole on the engrossed bill from the senate entitled, ad act to form an additional circuit, to be called the sixth judicial circuit; a bill for the formation of judicial circuits, and fixing the times of holding courts therein, and the bill to amend an act entitled an act relative to judicial circuits, and fixing the times of holding courts therein, approved January 30th, 1824, both of this house; and after some time spent therein, the speaker resumed the chair, and Mr. Hillis reported the first named bill with sundry amendments; and the two last mentioned bills without amendment.

Mr. Pennington moved that the further consideration of the first named bill be indefinitely postponed.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Boon, Child, Crume, Dufour, Dumont, Elliott, Judah, Lemon, Leviston, Lomax, Lynd, Matlock, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Pennington, Ritchey, Robb, St. Clair, St. John, Steele, Stewart, Wallace, Welburn, Worth and Howk, speaker—30.

And those who voted in the negative are,

Messrs. Allen, Bassett, Brown, Craig, Deming, Dunn, Finley, Frisbie, Goodhue, Hendricks, Hillis, Kinnard, Levenworth, Long, Morris, Orr, Palmer, Read, Riley, Sample, Sweetser, Taylor, Trafton and Young—24.

And so said motion was carried in the affirmative.

Mr. Boon moved that the further consideration of the second named bill be indefinitely postponed.

Which motion was carried in the affirmative.

On motion of Mr. Judah,

The bill to amend the several acts regulating judicial circuits, and fixing the times of holding courts therein, was referred to a select committee, of Messrs. Judah, Sweetser, Deming, Palmer, Brown and Hendricks.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives that the senate has passed engrossed bills from the house of representatives entitled as follows, to wit:

An act for the improvement of the navigation of Eel river, and for other purposes;

An act to incorporate the town of Washington in the county of Daviess;

The first without amendment, and the last with two amendments.

In which the concurrence of the house of representatives is requested.

The senate has also passed an engrossed joint resolution entitled—

A joint resolution.

In which the concurrence of the house is also requested.

The amendment proposed by the senate to the engrossed bill of this house, entitled an act to incorporate the town of Washington in the county of Daviess, were severally read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The engrossed joint resolution from the senate entitled, "a joint resolution," was read the first time and passed to a second reading to-morrow.

The house resolved itself into a committee of the whole, on the bill to establish the office of commissioner of the public buildings and for other purposes, and after some time spent therein, the speaker resumed the chair, and Mr. Judah reported the same with sundry amendments, which were concurred in by the house generally.

And the question being put, Shall said bill be engrossed and read a third time to-morrow, the same was decided in the negative.

And so said bill was lost.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate refuses to concur in the amendment proposed by the house of representatives to the engrossed memorial of the senate, on the subject of the extinguishment of the Indian title to lands within the state of Indiana, and has

appointed Messrs. Rariden and Gregory a committee of free conference, to confer with a similar committee that may be appointed on the part of the house of representatives, to take into consideration the disagreeing votes of the two houses relative to the memorial aforesaid.

Mr. Child moved that the house insist on the amendment proposed by them to the engrossed memorial from the senate on the subject of extinguishing the Indian title to lands within the state of Indiana.

Which motion was carried in the affirmative.

On motion of Mr. Boon,

Resolved, That a committee of free conference, be appointed on the subject of the difference between the two houses, relative to the memorial aforesaid, to act with the committee on the part of the senate.

When Messrs. Boon and Child were appointed that committee.

The house resolved itself into a committee of the whole on the engrossed bill from the senate to regulate appeals on trials of the right of property, and a bill amendatory of the act regulating the jurisdiction and duties of justices of the peace, approved January 30, 1824, and after some time spent therein, the speaker resumed the chair, and Mr. Pennington reported the first named bill with sundry amendments; which were severally read, and the 1st, 2d, 3d, and 4th amendments were agreed to by the house.

And the question being put, Will the house concur in the 5th amendment made in committee of the whole, which was by adding the following as an additional section to said bill, viz:

"That so much of the 12th section of an act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved

January 22, 1827, as prevents attornies at law who may hold commissions as justices of the peace, from appearing in circuit courts as an attorney in cases of appeal taken from other justices of the peace, be and the same is hereby repealed.

And the 7th section of the same act, be and the same is hereby repealed.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Craig, Dumont, Dunn, Frisbie, Goodhue, Judah, Marshall, Morris, M'Pheeters, Pabody, Slaughter, St. Clair, Steele, Wallace, Worth and Howk, speaker—19.

And those who voted in the negative are,

Messrs. Bell, Blair, Child, Crume, Deming, Dufour, Elliott, Hendricks, Hillis, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, M'Intire, Moyer, Orr, Palmer, Pennington, Pollock, Read, Riley, Ritchey. Robb, Sample, St. John, Stewart, Sweetser, Taylor, Trafton, Welburn and Young—35.

And so the house refused to concur in said amendment.

Mr. Boon moved further to amend said bill by adding the following as an additional section, viz:

That so much of the 12th section of an act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 22, 1827, as prevents attorneys at law who may hold commissions as justices of the peace from appearing in the circuit courts, as an attorney in cases of appeal taken from the judgments of other justices of the peace, be and the same is hereby repealed.

Which motion was carried in the affirmative

The amendments to said bill were then ordered to be engrossed and with said bill read the third time to-morrow.

Mr. St. Clair, from the joint committee for enrolled bills reported, that they did on this day, present to his excellency the governor, for his approval and signature, the following enrolled bills, viz:

An act to establish a clay turnpike road from the town of Levenworth in Crawford county, twenty miles or more in the direction of Indianapolis;

An act to change the name of John Smith to John Lucius Smith;

An act to amend an act entitled an act for the formation of congressional districts, and for the election of senators and representatives to congress, approved January 30, 1824;

An act to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties;

An act authorizing the trustees of the first Presbyterian church in the town of New Albany to sell and convey the real estate of said church;

An act concerning the town of Utica;

An act appointing commissioners to relocate the seat of justice of Dubois county;

An act to amend an act entitled an act providing the mode of opening and repairing public roads and highways in certain counties therein named, approved January 21, 1826;

A joint resolution to increase the salary of the agent of the three per cent. fund; and,

A joint resolution relative to the monies due the state by the securities of William H. Moore, late collector of revenue of Clark county, and against the estate of Reuben W. Nelson of said county deceased.

The house then adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, January 17, 1829.

The house met pursuant to adjournment.

The speaker laid before the house a communication from Benjamin I. Blythe, auditor of public accounts, in obedience to a resolution of this house, of yesterday:

AUDITOR'S OFFICE,
Indianapolis, Jan. 16, 1829.

Hon. Isaac Howk,

SIR—In obedience to a resolution of the house of representatives, requesting information with respect to the amount returned delinquent on bank stock, and also whether the amount delinquent can be collected, I have to say, the branch bank at Lawrenceburgh is delirquent in the year 1827, for $52 60. I believe at that time, the bank owned real estate in Lawrenceburgh and its vicinity, which property she yet either holds or has transferred to the mother bank at Madison; in either case I presume the real estate of the bank is bound for her taxes, yet the clerk in his certificate of assessments for 1828, has not returned that item with the other delinquents of 1827 charged to the collector on the duplicate of 1828. In the delinquent list from Jefferson county for 1827, the clerk return as improper assessments on bank stock lands and polls, $136.09 in his certificate of assessments for the same year he returns $206.57 bank stock, tax on same. $60.64; the certificate of assessments bears date 12th Oct. 1827, and the delinquent list is dated Dec. 8, 1827.

B. I. BLYTHE, A. P. A.

Which was read and referred to the committee on the judiciary.

The speaker laid before the house a remonstrance of John Hubbard against vacating the state road leading from Indianapolis west to Montezuma on the Wabash river.

Which was read and referred to the committee on roads.

Mr. Taylor presented a petition of Samuel Hoover and others of Tippecanoe county, praying a change in the mode of doing county business in said county.

Which was read and referred to a select committee of Messrs. Taylor, Worth and Matlock.

Mr. Boon laid before the house a claim of John M'Donald.

Which was read and referred to the committee on claims.

Mr. Read from the committee on elections, to whom was referred a resolution of this house, directing them to enquire into the expediency of authorizing the citizens of Hendricks county, to hold an election on the first Monday of April next, for the purpose of electing county commissioners in said county, reported that they have had the same under consideration, and have directed him to report that it is inexpedient to legislate further on that subject at this time.

Which report was concurred in by the house.

Mr. Marshall, from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled,

An act making provision for compensation to the recorders of Gibson and Monroe counties;

An act providing for the more certain preservation of the evidence of title to real estate;

And find the same truly enrolled;

When,

The speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Boon, from the committee on claims, to whom was referred the claim of B. I. Blythe, for services done in obedience to a joint resolution of the general assembly, approved January 20, 1826, instructing the agent of the state for the town of Indianapolis, to procure the necessary books, in which to enter in form of double entry, a detailed account of monies which have or may be received on account of lots, and all other sources from which money has or may be received, together with the disposition made of such fund, whether by appropriation or otherwise, and made it further the duty of said agent, to procure and preserve a copy of all papers in any manner connected with said agency, and to file the same in his office, have had the same under consideration, and have instructed him to report, that in their opinion he ought to be allowed $100 so soon as he completes the above named books to the acceptance of the treasurer of state.

And would therefore recommend the adoption of the following resolution:

Resolved, That the committee of ways and means, be and they are hereby instructed to allow to Benjamin I. Blythe $100 in the specific appropriation bill.

Which report was read and concurred in by the house.

Mr. Child reported that the committee of free conference appointed by the house of representatives, to act with a similar committee from the senate, to take into consideration the disagreement between the two houses upon the memorial of the general assembly, on the subject of the extinguishment of the Indian title to lands within the state of Indiana, reported, that the committee on the part of the senate, agree to the amendment made to said memorial by the house of representatives.

Mr. Hendricks, from the select committee. to whom was referred the petition of Allen Prior and others and the remonstrance of John Fugit and others, reported a bill to change the mode of doing county business in the county of Decatur.

Which was read the 1st and 2d times, the rules of the house having been first dispensed with.

On motion of Mr. Taylor,

Said bill was so amended as to embrace the county of Tippecanoe.

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr. Ritchey presented the following resolution, viz:

Resolved, That the committee of propositions and grievances, be instructed to prepare and recommend a resolution to the good people of Indiana, requesting them to abstain from purchasing foreign merchandize as far as possible, and thereby keep their money from going out of the state, and enable themselves to encourage and support manufactures in their own state, and that the people of this state be required to try the experiment and dress entirely in their own manufacture, and show to the world that we are a free, sovereign and independent people, and that each representative district be requested to give a premium to that person who shall produce the best specimen of domestic manufacture, and that the representatives appear at the next session of the legislature in domestic manufacture.

Mr. Read moved that said resolution lie on the table.

Which motion was decided in the negative.

Mr. Dumont moved to amend said resolution by striking out the words "of every description," and insert in lieu thereof "as far as possible."

Which motion was carried in the affirmative.

Mr. Boon moved further to amend said resolution by striking out the words "and recommend a resolu-

tion," and inserting in lieu thereof the following words, "to prepare an address."

Which motion was decided in the negative.

Mr. Robb moved to postpone the further consideration of said resolution until Monday week next.

Which motion was decided in the negative.

Mr. Read moved further to amend said resolution by adding at the end thereof the following:

"*Provided*, There is clothing sufficient manufactured in the state to clothe the citizens thereof."

Which motion was decided in the negative.

Mr. Trafton moved further to amend said resolution by striking out the word "good."

Which motion was decided in the negative.

The question then recurring on the adoption of said resolution, the same was carried in the affirmative.

On motion of Mr. Sample,

Mr. Dumont was added to the committee of propositions and grievances.

Mr. Judah, from the select committee to whom was referred the bill to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein, reported the same with several amendments.

Which were twice read.

Mr. Craig moved to recommit said bill and proposed amendments to a select committee.

Which motion was carried in the affirmative.

Whereupon, the speaker appointed Messrs. Craig, Sweetser, Hendricks, Judah and Orr that committee.

Mr. Kinnard, after having obtained leave, presented a joint resolution, on the subject of converting the governor's house into a state house, and for other purposes.

Which, at the request of Mr. Kinnard, was ordered to be spread on the journals, and reads in the words following, viz:

Resolved by the general assembly of the state of Indiana, That David Matlock of the county of Hendricks, William Herriott of the county of Johnson, and John Hendricks of the county of Shelby, be and they are hereby appointed commissioners, to assess the damages which would accrue to the owners of lots situated in the vicinity of the state house square, and west of Illinois street in the town of Indianapolis, in the event of an alteration in the governor's house so as to convert the same into a state house. They shall meet at the town of Indianapolis on or before the first Monday of November next, and take an oath faithfully and impartially to discharge the duties herein assigned them. They shall have access to the books in the office of the agent of state, and shall have power to receive testimony on oath from disinterested persons, touching the purposes of this joint resolution. They shall make to the next general assembly, within the first week of their session, a full report of their proceedings, and shall be entitled to the sum of two dollars, for every day by them necessarily employed in the discharge of their aforesaid duties, payable out of any money in the treasury arising from the sales of lots in the town of Indianapolis.

Be it further resolved, That it shall be the duty of the agent of state to open a book as soon as convenient, in which any person may be permitted to subscribe towards defraying the expenses which would be incurred by making the alteration of the governor's house into a state house as contemplated in the foregoing resolution.

Which was read the first time.

Mr. Dumont moved to reject said joint resolution.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bell, Boon, Crume, Dumont, Hendricks, Levenworth, Lynd, Matlock, M'Intire, M'Pheeters, Pabody, Pennington, Robb, Sample, Slaughter, Steele, Wallace, Work and Howk, speaker—18.

And those who voted in the negative are,

Messrs. Allen, Bassett, Blair, Brown, Child, Dufour, Dunn, Elliott, Finley, Frisbie, Goodhue, Hillis, Kinnard, Lemon, Leviston, Lomax, Marshall, Morris, Moyer, Orr, Palmer, Pollock, Read, Riley, Ritchey, St. Clair, St. John, Stewart, Taylor, Trafton, Welburn, Worth and Young—34.

And so said motion was decided in the negative.

On motion of Mr. Kinnard,

The rules of the house were dispensed with and the said joint resolution was read a second time.

Mr. Boon moved to strike out so much of said joint resolution as relates to the appointment of commissioners, and the duties required of them.

Which motion was decided in the negative.

Mr. Lomax moved to lay said joint resolution on the table.

Which motion was carried in the affirmative.

Mr. Bassett, after having obtained leave, presented a bill to authorize the sale of the school lands in in the county of Dearborn, and for other purposes.

Which was read the first time and passed to a second reading on Monday next.

And then the house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Dufour, after having obtained leave, presented a joint resolution relative to the franking privilege.

Which was read the first and second times, the rules of the house having first been dispensed with.

The question being then put, Shall said joint resolution be engrossed and read the third time on Monday next?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Dufour, Dumont, Frisbie, Hillis, Kinnard, Palmer and Welburn—9.

And those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Blair, Child, Craig, Crume, Deming, Dunn, Finley, Goodhue, Hendricks, Judah, Lemon, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Pennington, Pollock, Read, Riley, Ritchey, Robb, Sample, Slaughter, St. Clair, St. John, Steele, Stewart, Sweetser, Taylor, Trafton, Wallace, Work, Worth, Young and Howk, Sp'r—46.

And so said joint resolution was lost.

Mr. Allen moved that the orders of the day which precede the engrossed bill from the senate, entitled

An act to ensure and commence the construction of the canal to connect the navigable waters of the Wabash river with the navigable waters of Lake Erie, be for the present postponed.

Which motion was carried in the affirmative.

On motion of Mr. Read,

The committee of the whole house was discharged from the farther consideration of said bill.

Mr. Pennington moved that the farther consideration of said bill be postponed until the first Monday in December next;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Blair, Child, Craig, Dufour, Dumont, Dunn, Finley, Frisbie, Goodhue, Lemon, Levenworth, Leviston, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Ritchey, Slaughter, St. Clair, St. John, Steele, Stewart, Sweetser, Wallace, Welburn, Work and Howk, speaker—33.

And those who voted in the negative are,

Messrs. Allen, Bassett, Boon, Brown, Crume, Deming, Elliott, Hendricks, Hillis, Judah, Kinnard, Long, Matlock, Orr, Palmer, Pollock, Read, Riley, Robb, Sample, Taylor, Trafton, Worth and Young —24.

And so said motion was carried in the affirmative.

The engrossed joint resolution from the senate, was read a second time and passed to a third reading on Monday next.

The bill to repeal all laws relative to the practice of medicine and surgery, was read the second time.

And the question being put, Shall said bill be engrossed and read a third time on Monday next?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Craig, Deming,

Dufour, Dumont, Dunn, Lemon, Levenworth, Leviston, Lynd, Matlock, Marshall, Morris, M'Pheeters, Moyer, Pabody, Pennington, Read, Riley, Ritchey, Slaughter, Young and Howk, speaker—24.

And those who voted in the negative are,

Messrs. Allen, Basset, Blair, Child, Crume, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lomax, Long, M'Intire, Pabody, Palmer, Pollock, Robb, Sample, St. Clair, St. John, Steele, Stewart, Sweetser, Taylor, Trafton, Wallace, Welburn, Work and Worth—32.

And so said bill was lost.

The engrossed bill from the senate, entitled an act to amend an act to encourage the killing of wolves, approved January 27, 1828, was read a third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

The engrossed bill to organize probate courts and defining the powers and duties of executors and administrators, was read the third time.

And the ayes and noes being required on its passage:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Craig, Crume, Deming, Dufour, Dumont, Elliott, Finley, Frisbie, Goodhue, Hillis, Levenworth, Leviston, Marshall, Morris, Orr, Pabody, Pollock, Read, Robb, Sample, St. Clair, St. John, Sweetser, Trafton, and Welburn—28.

And those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Child, Dunn, Hendricks, Kinnard, Lemon, Lomax, Long, Lynd, Matlock, M'Intire, M'Pheeters, Moyer, Palmer, Pennington, Ritchie, Slaughter, Steele,

Stewart, Taylor, Work, Worth, Young and Howk, Speaker —27.

And so said bill passed.

Ordered, That the said bill be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate entitled, an act to regulate appeals on trials of the right of property, was read a third time and passed as amended.

On motion,

The title of said bill was so amended as to read, "An act amendatory to an act, entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 20, 1824."

Ordered, That the clerk carry the same to the senate, and ask their concurrence in said amendments.

Mr. Marshall moved to discharge the committee of the whole house, from the further consideration of bill establish a state road from the Jeffersonville state road on the west side of Silver creek, to the Falls of the Drift Wood fork of White river.

Which motion was carried in the affirmative.

And on motion of Mr. Marshall,

Said bill was ordered to lie on the table.

The house resolved itself into a committee of the whole, on the bill to provide for the incorporation of agricultural societies, and after some time spent therein, the speaker resumed the chair and Mr. Hendricks reported the same without amendment.

Ordered, That said bill be engrossed and read a third time on Monday next.

The following message was received from his excellency the Governor, by Mr. Finch.

Mr. Speaker,

I am instructed by the Governor, to inform the

house of representatives, that he did, on the 17th inst. approve and sign,

An act incorporating the townships in the county of Shelby; and,

An act to establish a state road from Rushville in Rush county, to Lawrenceburgh in Dearborn county;

Which originated in the house of representatives.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives that the senate has passed engrossed bills, entitled as follows, from the house of representatives, to wit:

An act for the relief of purchasers of out-lots adjoining the town of Indianapolis under the acts approved January 31, 1826, and February 12, 1825;

An act making general appropriations for the year 1829;

An act to revive an act entitled an act for opening and repairing public roads and highways, approved January 21, 1826, in certain counties therein named;

An act to relocate the seat of justice of Warren county;

An act in addition to an act entitled an act for the incorporation of county libraries, approved January 28th, 1824;

An act to authorize the board of justices of Scott county to sell a part of the public square of Lexington;

An act supplemental to an act entitled an act declaring certain streams therein named public highways, approved January 26, 1824;

The five first mentioned bills without amendment, and the two last named bills with amendments.

In which the concurrence of the house of representatives is requested.

The senate has also passed an engrossed joint resolution of the general assembly of the state of Indiana, relative to the American colonization society without amendment; also,

The senate has passed engrossed bills originating in the senate entitled as follows, to wit:

An act to amend an act entitled "an act for opening and repairing public roads and highways, approved January 24, 1828."

An act authorizing further sales of the reserved townships of land in Gibson and Monroe counties.

In which the concurrence of the house is also requested.

The house concurred in the amendment proposed by the senate to the bill authorizing the board of justices of Scott county to sell a part of the public square in the town of Lexington.

Ordered, That the clerk inform the senate thereof.

The house concurred in the amendment proposed by the senate to the engrossed bill of the house supplemental to an act declaring certain streams therein named public highways, approved January 26, 1824;

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled an act to amend an act for opening and repairing public roads and highways, approved January 24, 1828, was read the 1st and second times, the rules of the house having been dispensed with; and,

On motion of Mr. Pennington,

Committed to the same committee of the whole house to whom is committed a bill of this house on the same subject.

The engrossed bill from the senate, entitled an act authorizing further sales of the reserved townships in Gibson and Monroe counties was read the 1st

time and passed to a second reading on Monday next.

The house resolved itself into a committee of the whole on the engrossed bill from the senate, entitled an act regulating estrays and water crafts going adrift, and after some time spent therein, the speaker resumed the chair, and Mr. Lomax reported the same with one amendment.

On motion of Mr. Slaughter,

Said bill was ordered to lie on the table.

Mr. St. Clair, from the joint committee for enrolled bills reported, that they did on this day, present to his excellency the governor, for his approval and signature, the following enrolled bills, viz:

An act providing for the more certain preservation of the evidence of title to real estate;

An act making provision for compensation to the recorders of Gibson and Monroe counties.

The house then adjourned until Monday morning nine o'clock.

MONDAY MORNING, January 19th, 1829.

The house met pursuant to adjournment.

Mr. Hillis, from the committee of ways and means, to whom was referred sundry resolutions of this house enquiring into the expediency of amending the revenue law, reported a bill to amend the act entitled an act for assessing and collecting the revenue, approved January 30, 1824.

Which was read the first time, and passed to a second reading to-morrow.

Mr. Hillis, from the same committee, reported a bill making specific appropriations for the year 1829.

Which was read the first and second times, the rules of the house having first been dispensed with; and,

On motion of Mr. Child,

Said bill was committed to a committee of the whole house and made the order of the day for this day.

Mr. Sweetser, from the committee on the judiciary, to whom was referred the report of the auditor of public accounts, relative to delinquencies of revenue due from the Farmers' and Mechanics' bank, and its branch at Lawrenceburgh, reported—that in their opinion, the laws now in force are sufficient to secure the collection of taxes due the state from said bank, if properly put in force, and pray to be discharged from the further consideiation of said report.

Which report was concurred in by the house.

Mr. Boon, from the committee on claims, to whom was referred the claim of John M'Donald, for services rendered as commissioner to mark and lay out a road from Lake Michigan to Indianapolis, and not included in his former claim, reported that they have had the same under their consideration, and have instructed him to report, that in their opinion, he ought to be allowed seven dollars for four days in returning from Indianapolis home.

Which report was concurred in by the house.

Mr. Kinnard, from the committee on the affairs of the town of Indianapolis, to whom was referred so much of the message of his excellency the governor, as advised an appropriation from the proceeds of the sales of lots in said town, in order to place Marion county as to her library fund on an equal footing with other counties, reported that they have instructed him to report—that in their opinion it is at this time inexpedient to legislate on that subject.

Which was read and concurred in by the house.

Mr. Dumont from the committee of propositions and grievances, to whom was referred the resolution of this house of Saturday last, on the subject of encouraging domestic manufactures, and recommending that the members of the next general assembly should appear in homespun clothing, made the following report, viz:

Your committee consider it highly important to them and their constituents, that they should employ all lawful means within their power, to avert the evils which must arise from a dependence on other states and nations, for any of the necessaries of life. The peculiar situation of Indiana is such, that if we send abroad for articles which our own soil and labor might produce, the balance of trade must be against us, and we must continue to be poor.

On this subject, the experience of all nations is uniform, when the soil was not improved and the mechanic arts were neglected. Not even the gold and silver of Mexico and Peru, could preserve Spain from dependence on the other nations of Europe, for the most common comforts of life. If this has been the case with nations abounding with the precious metals, there can be no doubt as to the course proper for us, whose only mines are such as can be opened with the plough and the axe, and who are too remote from the Ocean, to be benefited by commerce. Agriculture and manufactures may be said to be the only causes of wealth. Commerce is but their hand maid. Without their aid the vessel could not be constructed or laden. The goods and wares of the merchant are mostly products of the earth, conjoined with foreign and domestic mechanism.—The bread of the monarch is the fruit of the earth. His raiment is a combination of agriculture and manufacture. And even the luxuries of the ocean, which grace his table, are only obtained by aid of the same combination. These then, properly considered, are the greatest and most honorable of all employments. The farmer first, for his art is the main pillar of the fabric of independence. The mechanic next—for without his aid we could never attain the refinements of civilized society. But where they are both combined, there is a scene worthy of the highest encomiums, and productive of the greatest possible portion of genuine independence. There, within the domestic circle, is constructed the fabric which causeth the "husband to be known in the gates, when he sitteth with the elders of the land." Cincinnatus, from the highest station in the

world, retired to one still nobler, to a little farm, which he tilled with his own hands. The ancient monarchs of Persia gave rewards for the encouragement of agriculture. The Chinese emperors set apart a day in each year, on which they guided the plough with their own hands, as expressive of their opinion of the high dignity of the farmer. In our own happy country, we have seen some of the older sister states encouraging the farmer and the manufacturer, by premiums for specimens of excellence, in each of their avocations. We have seen those who are ploughmen at home, generals in the field, and law-givers in the councils of the nation.

We have seen them clothed in the wool of their own flocks, spun and wove by the hands of their daughters, sisters and wives; thus patronizing the means of arriving at national and individual wealth and lasting glory. With these examples before us, and the consciousness of the superiority of our soil, and salubrity of our climate, we feel it a duty to solicit the attention of our citizens, to objects which we deem within their reach, and which, if attained, will place Indiana on an envied elevation.—Experience has taught us, that flax, hemp and wool, of excellent quality, are the growth of our soil. That cotton of good quality and considerable quantity, has been raised in some counties bordering on the Ohio river. Whether it will be profitable for our farmers to turn their attention to the growing of that article, time and experience alone can determine. The mulberry is indigenous to our soil, and that silk will be raised and manufactured with success, in our state, there is little reason to doubt. Then, if our farmers strive to improve the quality, and increase the quantity of their wool, and make the necessary experiments on the silk worm and the mulberry tree: And also to encourage capitalists to go extensively into the manufactory of all the suitable products of our soil, and the cotton of the south, (if to raise it ourselves be found unprofitable,) it will create us markets for our abundant surplusage of provisions, and we will become more than independent. That this is the work of a day we do not pretend. All things must have their commencement, and the necessary precurser to extensive manufacturing establishments is the supply of raw materials, furnished by the farmer, to keep them in operation.—That our citizens can effect this shortly, in an extensive degree, we do not expect. But that they can, if they will, almost immediately manufacture the necessary articles of clothing, in their own houses, of such quality as to be respectable, there is not a doubt. If it should become a general custom of the lead-

ing characters of our state, to wear none other than domestic clothing, such custom would give the all-powerful sanction of fashion. But if, in addition, our ladies would clothe themselves with fabrics of their own construction, the influence would be irresistable. With a view to the wealth, comfort and respectability of our fellow-citizens, we recommend the following resolutions, viz:

Resolved, That the citizens of Indiana be requested, by their example, to encourage the wearing of domestic manufactures, and as far as possible, to abstain from the use of foreign clothing.

2. *Resolved*, That the establishment of agricultural societies in the several counties, is highly important, for the purpose of awarding prizes to such as construct the best specimens of domestic fabrics, of either cotton, silk, hemp, flax or wool.

3. *Resolved further*, That they be requested to award prizes, exclusively to females, for the best specimens of hats or bonnets, make of either grass or straw, the growth of Indiana.

4. *Resolved*, That the officers of state, and the members of the next general assembly, be requested to clothe themselves in domestic, prior to the commencement of the next session of the legislature.

Mr. Craig, from the joint committee of free conference, to whom was referred the matter of difference between the two houses on the bill to locate a road from Lake Michigan, by way of Indianapolis, to the Ohio river, reported, that they have had the same under their consideration, and being unable to come to any agreement on the subject, have agreed to report these facts to their respective houses, and ask to be discharged from the further consideration thereof.

The house concurred in said report, and the committee were discharged from the further consideration of the same.

Ordered, That the clerk inform the senate thereof.

Mr. Craig then moved that the house adhere to the second amendment proposed by them to said bill.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Child, Craig, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Levenworth, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Ritchey, St. Clair, St. John, Steele, Stewart, Sweetser, Trafton, Wallace, Welburn, Work and Howk, speaker—32.

And those who voted in the negative are,

Messrs. Boon, Brown, Crume, Deming, Elliott, Finley, Hillis, Kinnard, Leviston, Lomax, Long, Matlock, Orr, Pabody, Palmer, Read, Riley, Robb, Sample, Slaughter, St. John, Taylor, Williams, Worth and Young—26.

And so said motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

Mr. Marshall, from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, to wit:

An act for the improvement of the navigation of Eel river, and for other purposes;

An act to incorporate the town of Washington in the county of Daviess;

An act to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain;

An act to provide for printing and distributing the laws and journals of the present session;

An act supplementary to the act entitled an act for the formation of the county of Cass; passed at the present session of the general assembly;

An act to authorize the circuit court of the county of Perry to change the venue in a certain case therein named;

And find the same truly enrolled;

Mr. Long moved to take up the resolution relative to the adjournment of the general assembly.

Which motion was carried in the affirmative.

Mr. St. Clair moved to strike out the words "24th inst.," and insert "22d inst."

Which motion was decided in the negative. And,

On motion of Mr. Craig,

Said resolution was again laid on the table.

Mr. Morris, after having obtained leave, presented a joint resolution of the state of Indiana, on the subject of the governor's house.

Which was read the first and second times, the rules of the house having first been dispensed with.

And, on motion of Mr. Kinnard,

Was ordered to lie on the table.

Mr. Kinnard moved to take up the joint resolution relative to converting the governor's house into a state house.

Which motion was decided in the negative.

Mr. Lemon moved to take up the bill providing for a state road from the Jeffersonville state road, (on the west side of Silver creek,) to the falls of the Driftwood fork of White river.

Which motion was decided in the negative.

Mr. Read moved to take up the engrossed bill from the senate entitled, an act to change a part of the state road from New-Albany to Vincennes.

Which motion was carried in the affirmative.

And, on motion of Mr. Read,

The same was referred to a select committee of Messrs. Read, Moyer and Riley.

Mr. Morris moved to dispense with the several orders of the day which precede the engrossed bill entitled an act amendatory to the act for opening and repairing public roads and highways.

Which motion was decided in the negative.

The engrossed bill from the senate entitled, an act authorizing further sales of the reserved lands in

Gibson and Monroe counties, was read a second time, and ordered to a third reading to-morrow.

The engrossed bill authorizing a sale of the school lands in Dearborn county, and for other purposes, was read a second time.

And the question being put, Shall said bill be engrossed and read a third time to-morrow? the same was decided in the negative.

And so said bill was lost.

The engrossed bill to change the mode of doing county business in the counties of Decatur and Tippecanoe; and,

The engrossed bill to provide for the incorporation of agricultural societies, were severally read a third time and passed.

Ordered, That said bills be entitled acts, and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed joint resolution from the senate was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The house resolved itself into a committee of the whole on the engrossed bill relative to navigable streams declared highways by the ordinance of 1787, and the amendment proposed thereto by the senate; and after some time spear therein, the speaker resumed the chair, and Mr. Robb reported the said amendment with an amendment; which was agreed to by the house.

Ordered, That the clerk inform the senate thereof and ask their concurrence therein.

On motion of Mr. Read,

The committee of the whole house to which was committed the bill appointing commissioners to select and survey the lands granted to the state of Indiana, by the late treaty with the Potawatamie tribe of Indians, for the construction of a road from Lake Michigan, by way of Indianapolis, to the Ohio

river, was discharged from the further consideration of the same.

Mr. Levenworth moved to postpone the further consideration of said bill indefinitely. And,

On motion of Mr. Pennington,

Said bill was ordered to lie on the table.

The house resolved itself into a committee of the whole on the engrossed bill from the senate to amend the act entitled an act to authorize the loaning of the seminary funds; and the bill of this house amendatory to an act to authorize the loaning of the seminary funds; and after some time spent therein, the speaker resumed the chair, and Mr. Worth reported the first named bill without amendment, and the last named bill with one amendment; which was concurred in by the house.

The first named bill was then ordered to a third reading to-morrow: And,

On motion of Mr. Read,

The last named bill was indefinitely postponed.

The house resolved itself into a committee of the whole on the bill concerning moneys expended on account of the Michigan road; and after some time spent therein, the speaker resumed the chair, and Mr. Read reported the same with two amendments; which were concurred in by the house. And,

On motion of Mr. Child,

The said bill was ordered to lie on the table.

On motion of Mr. Marshall,

The committee of the whole house to which was committed the bill to change a part of the Bethlehem state road, was discharged from the further consideration of the same. And,

On motion of Mr. Marshall,

The names of William Plaskett and James Ward were stricken out of said bill.

Said bill was then ordered to be engrossed and read a third time to-morrow.

The house then adjourned until 2 o'clock P. M.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

The house resolved itself into a committee of the whole on the engrossed bill from the senate entitled an act in addition to the act authorizing the laying off certain state roads, and appropriating $100,000 of the fund commonly called the three per cent. fund for opening the same; and after some time spent therein, the speaker resumed the chair, and Mr. Palmer reported the same with sundry amendments; which were concurred in by the house generally.

On motion of Mr. M'Pheeters,

The name of Hugh M'Pheeters was stricken out of the 2d section of said bill, and the name of Wm. Richards inserted in lieu thereof, as commissioner on road No. 10.

Mr. Brown moved to strike out the name of Rezin Davis, commissioner on road No. 33, and insert in lieu thereof, the name of Joseph Nichols, of Rush county.

Which motion was decided in the negative.

Mr. Long moved further to amend said bill by striking out in the second section, the words following, viz:

"That Zenas Beckwith, of the county of Hamilton, be appointed commissioner on road No. 36," and insert in lieu thereof the words following, to wit:

"That Morgan Shortridge, of the county of Tippecanoe, be appointed commissioner on so much of road number 34 as lies between Lafayette and the west line of Hamilton county, and Zenas Beckwith be appointed commissioner on so much of said road as lies within Hamilton county, and James Scott, of the county of Madison, is appointed commissioner on so much of said road as lies within the counties of Madison and Henry; and all moneys that has been, or may hereafter be appropriated on said road, shall be received by said commissioners and appropriated on said road in proportion to their districts.

Which motion was carried in the affirmative.

Mr. Sweetser moved further to amend said bill so as to allow $1 25 per day to said commissioners, instead of $1 00."

Which motion was carried in the affirmative.

Said amendments were then ordered to be engrossed, and with said bill read a third time to-morrow.

Mr. St. Clair, from the joint committee for enrolled bills reported—that they did on this day present to his excellency, the governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to incorporate the town of Washington in the county of Daviess;

An act to authorize the circuit court of the county of Perry to change the venue in a certain case therein named;

An act to provide for printing and distributing the laws and journals of the present session;

An act supplemental to the act entitled an act for the formation of the county of Cass, passed at the present session of the general assembly;

An act for improvement of the navigation of Eel river, and for other purposes;

An act to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain;

An act to change the mode of doing county business in the counties of Decatur and Tippecanoe.

On motion af Mr. Lomax,

The joint resolution relative to converting the governor's house into a state house, was taken up.

Mr. Lomax moved to amend said joint resolution, by striking out the first resolution, which reads in the words following, to wit:

"That David Matlock, of the county of Hendricks, William Herriott of Johnson county, and John Hendricks of the county of Shelby, be, and they are hereby appointed commissioners to assess the damages, which would accrue to the owners of lots situated in the vicinity of the state house square, and west of Illinois street in the town of Indianapolis, in the event of the alteration in the governor's house, so as to convert the same into a state house: They shall meet at the town of Indianapolis on or before the first Monday of November next, and take an oath faithfully, and impartially to discharge the duties herein assigned them: They shall have access to the books in the office of the agent of state, and shall have power to receive testimony, on oath, from disinterested persons, touching the purposes of this joint resolution: They shall make to the next general as-

sembly, within the first week of their session, a full report of their proceedings, and shall be entitled to the sum of two dollars for every day by them necessarily employed in the discharge of their aforesaid duties, payable out of any money in the treasury arising from the sales of lots in the town of Indianapolis;" and insert in lieu thereof the words following, to wit:

"That it shall be the duty of the agent for the state for the town of Indianapolis, to cause public notice to be given at least four weeks in one of the newspapers printed in said town, to all persons who may be the owner or owners of any lot or lots or part of lots in common or otherwise, west of Illinois street in said town; and they are hereby requested to make out an account of all the damages that in their opinion they would sustain by changing the public ground for a state house, so as to make the house now known by the name of the governor's house the state house; and it shall be the duty of the agent aforesaid, to report the same to the next general assembly of this state."

Which motion was carried in the affirmative.

Mr. Pennington moved that the further consideration of said joint resolution be postponed until the first Monday in December next.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Boon, Craig, Crume, Deming, Lemon, Matlock, Marshall, M'Pheeters, Orr, Pennington, Slaughter, St. Clair, St. John, Sweetser, Taylor, Wallace and Howk, speaker—22.

And those who voted in the negative are,

Messrs. Allen, Blair, Brown, Child, Deming, Dufour, Dunn, Elliott, Finley, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Leviston, Lomax, Lynd, Long, Morris, Moyer, Pabody, Palmer, Pollock, Read, Riley, Ritchey, Robb, Stewart, Trafton, Welburn, Williams, Work, Worth and Young—35.

And so said motion was decided in the negative.

Said joint resolution was then ordered to be engrossed and read a third time to-morrow.

The following message was received from his excellency, the governor, by Mr. Wick:

Mr. Speaker,

I have it in charge from the governor, to inform the house of representatives, that on the 19th instant, the enrolled bills which originated in this house, of the following titles, to wit:

An act concerning the town of Utica;

An act authorizing the trustees of the first Presbyterian church in the town of New-Albany to sell and convey the real estate of said church;

An act to authorize the county surveyors to obtain copies of the field notes of the original corners of land in their respective counties;

An act to establish a clay turnpike from the town of Levenworth, in Crawford county, twenty miles or more, in the direction of Indianapolis;

An act appointing commissioners to relocate the seat of justice of Dubois county;

An act to change the name of John Smith to John Lucius Smith; also,

A joint resolution relative to moneys due the state by the securities of William H. Moore, late collector of revenue of Clark county, and against the estate of Reuben W. Nelson, of said county, deceased; and,

A joint resolution to increase the salary of the agent of the three per cent. fund, severally received his approbation and signature.

The house resolved itself into a committee of the whole on the bill making specific appropriations for the year 1829; and after some time spent therein, the speaker resumed the chair, and Mr. Bassett reported progress and asked leave to sit again.

Which leave was granted by the house.

The house then adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, January 20, 1829.

The House met pursuant to adjournment.

Mr. Judah from the committee on canals and internal improvements, to whom was referred the communication of his excellency the governor of the 16th inst. and the documents accompanying the same, reported the following resolution, viz:

Resolved, That the committee on canals and internal improvements, be discharged from the further consideration of the message of his excellency the governor, touching the commissioner to treat with the authorities of Ohio, and the documents therewith transmitted.

And on motion of Mr. Palmer,

Said report was ordered to lie on the table.

Mr. Craig, from the select committee, to whom was committed the bill to amend the several acts regulating the judicial circuits, and fixing the time of holding courts therein, reported the same with one amendment; which was twice read and concurred in by the house.

On motion of Mr. Long,

Said bill was ordered to lie on the table.

Mr. Read, from the select committee to whom was referred the bill to change a part of the state road from New-Albany to Vincennes, reported the same with sundry amendments, which were twice read and agreed to by the house.

Said amendments were ordered to be engrossed and with said bill read a third time to-morrow.

The following message was received from the senate by Mr. Test their assistant secretary.

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate have agreed to the first and last amendments proposed by the house of representatives, to the engrossed bill from the senate entitled, "an act amendatory to an act entitled, an act regulating the jurisdiction and duties of justices of the peace," approved January 20th, 1824, and disagree to the residue of said amendments proposed to said bill.

The senate has receded from their disagreement to the second amendment proposed by the house of representatives, to the engrossed bill of the senate entitled "an act to establish a state road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river," and agree to the same with an amendment, in which they request the concurrence of the house of representatives.

The senate has passed the engrossed bill from the house of representatives, entitled "an act to provide for the incorporation of agricultural societies."

Mr. Read moved that the house recede from all the amendments proposed by them to the engrossed bill of the senate, entitled "an act amendatory to an act regulating the jurisdiction and duties of justices of the peace," to which the senate has disagreed.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

Mr. Hillis moved that the house agree to the amendment proposed by the senate to the second amendment proposed by the house to the engrossed bill from the senate entitled, "an act

to locate a road from Lake Michigan by way of Indianapolis, to some convenient point on the Ohio river."

Mr. Craig moved to amend the motion of Mr. Hillis, so as to agree to the amendment proposed by the senate to the said second amendment proposed by the house to said bill, with the following amendment: Strike out of said amendment, the word "some" and insert "the town of Jeffersonville a" and strike out the words "determined and agreed upon," and insert in lieu thereof the word "located."

Mr. Dunn then presented the following resolution, viz:

Resolved, That in the opinion of the house of representatives, the act of the senate in amending the amendment of the house of representatives, to the bill providing for the continuation of the Michigan road, after the vote of this house adhering to the amendment made by them to said bill, and after the senate was informed thereof, was unparliamentary and without precedent, and that a conference be asked on that subject.

Resolved, That the senate be informed thereof.

The said resolution being read, the speaker decided the same to be out of order, there being at the time of presenting said resolution, another question pending before the house.

Mr. Boon then moved to lay said message, bill, and proposed amendment on the table.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Boon, Child, Craig, Dufour, Dumont. Dunn, Frisbie, Hendricks, Judah, Levenworth, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pollock, Robb, St. Clair, Steele, Stewart, Taylor, Wallace, Welburn and Williams—29.

Those who voted in the negative are,

Messrs. Blair, Brown, Crume, Deming, Elliott, Finley, Goodhue, Hillis, Kinnard, Lemon, Leviston, Long, Matlock, Orr, Pabody, Palmer, Pennington, Read, Riley, Ritchie, Sample, Slaughter, St. John, Sweetser, Trafton, Work, Worth, Young and Howk, Speaker—29.

And so said motion was decided in the negative.

The question recurring on the motion of Mr. Craig to amend the motion of Mr. Hillis,

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Child, Craig, Dufour, Dumont, Dunn, Frisbie, Goodhue, Hendricks, Judah, Lemon,

Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Ritchie, Slaughter, St. Clair, Steele, Stewart, Sweetser, Trafton, Wallace, Welburn, Work and Howk, Speaker—33.

Those who voted in the negative are,

Messrs. Boon, Brown. Crume, Deming, Elliot, Finley, Hillis, Kinnard, Levenworth, Leviston, Lomax, Long, Matlock, Orr, Pabody, Palmer, Read, Riley, Robb, Sample, St. John, Taylor, Williams, Worth and Young—25.

And so said motion was carried in the affirmative.

And the question recurring on the motion of Mr. Hillis, as amended by Mr. Craig, viz:

Will the house agree to the amendment proposed by the senate to the second amendment proposed by the house to said bill, which amendment directs the commissioners named in said bill to continue and locate said road from Columbus to Jeffersonville, a convenient point on the Ohio river.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Basset, Bell, Blair, Boon, Brown, Child, Craig, Dufour, Dumont, Dunn, Elliott, Finley, Frisbie, Goodhue, Hendricks, Judah, Lemon, Lomax, Long, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pennington, Pollock, Ritchie, Bobb, Sample, Slaughter, St. Clair, St. John, Steele, Stewart, Sweetser, Taylor, Trafton, Wallace, Welburn, Work, Worth and Howk, Speaker—45.

And those who voted in the negative are,

Messrs. Crume, Deming, Hillis, Kinnard, Levenworth, Leviston, Matlock, Pabody, Palmer, Read, Riley, Williams and Young—13.

And so said question was carried in the affirmative.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

On motion of Mr. Craig,

The bill to amend the several acts to regulate the judicial circuits and fixing the time of holding courts therein, was taken up.

Said bill was then ordered to be engrossed and read a third time on this day.

The following message was received from the senate by Mr. Test their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of repre-

sentatives, that the senate has passed engrossed bills from the house of representatives, entitled as follows, to wit:

An act to authorize the sale of the school lands and for other purposes;

An act supplemental to the act regulating the militia of the state of Indiana;

An act to amend the law regulating grist mills, each with amendments in which the concurrence of the house of representatives is requested.

The senate have also passed engrossed bills, entitled as follows, to wit:

An act to provide for the inspection of salt, beef, and flour; and,

An act authorizing the board of justices of the county of Lawrence to assess a poll tax for county purposes.

In which the concurrence of the house is also requested.

The amendment proposed by the senate to the engrossed bill entitled an act to authorize the sale of the school lands, and for other purposes, was read; and,

Mr. Bassett moved to recommit said bill and amendment to a select committee.

The house then adjourned until 2 o'clock.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resumed the consideration of the motion of Mr. Bassett to recommit the engrossed bill, entitled an act to authorize the sale of the school lands, with the amendment proposed by the senate to the same, to a select committee.

Which motion was decided in the negative.

Mr. Dumont moved to lay said bill and proposed amendment, on the table.

Which motion was decided in the negative.

Mr. Steele moved to amend said bill by adding the following as an additional section thereto, to wit:

Be it further enacted, That the trustees of the several incorporated townships as is provided for by this act, shall in their corporate capacity, if they deem it expedient, have the exclusive right of retaining in their own hands all the money and interest arising from the sale of their school sections as aforesaid, for the exclusive use of schools in said townships: *Provided*, said trustees shall give all the security required by this act.

Which motion was decided in the negative.

Mr. Lomax moved to amend said bill, by adding the following as a proviso to the thirteenth section, viz:

Provided also, That the citizens of such townships as are divided by county lines, shall have a right to vest their school funds, in either of the counties as they may think best to secure their rights.

Which motion was decided in the negative.

Mr. Palmer moved to commit said bill and proposed amendment to a committee of the whole house, and make it the order of the day for the present time.

Which motion was decided in the negative.

Mr. Lomax moved to amend the eighth section of the proposed amendment of the senate, to said bill, so as to require said commissioner to give twelve freeholders as security, instead of five.

Which motion was decided in the negative.

Mr. Bassett moved to amend said bill in the seventh section by striking out the words following, viz: "not exceeding ten years," so as to leave the time when such money should become due unlimited.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Child, Dumont, Dunn, Frisbie, Goodhue, Hillis, Kinnard, Lemon, Levenworth, Lomax, Long, Marshall, M'Intire, Morris, Palmer, Pollock, Ritchie, Robb, St. Clair, Steele, Welburn and Howk, Speaker—25.

Those who voted in the negative are,

Messrs. Allen, Bell, Blair, Brown, Craig, Crume, Deming, Dufour, Elliott, Finley, Hendricks, Leviston, Lynd, Matlock, M'Pheeters, Moyer, Orr, Pabody, Pennington, Sample, Slaughter, St. John, Stewart, Sweetser, Taylor, Trafton, Wallace, Williams, Work, Worth and Young—30.

And so said motion was decided in the negative.

Mr. Lomax moved to amend the 15th section of said bill, by adding the following proviso thereto, viz:

Provided, The trustees of the several townships shall at all times have an exclusive right to the interest of the money arising from the sales of their school lands.

And the ayes and noes being requested thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Boon, Child, Crume, Dunn, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Lomax, Lynd,

Matlock, Marshall, M'Intire, Morris, Palmer, Pollock, Read, Robb, St. Clair, St. John, Steele, Stewart, Taylor, Welburn, Work and Howk, Speaker—29.

Those who voted in the negative are,

Messrs. Allen, Blair, Brown, Craig, Deming, Dufour, Dumont, Elliott Finley, Frisbie, Lemon, Leviston, Long, M'Pheeters, Moyer, Orr, Pabody, Pennington, Ritchie, Sample, Slaughter, Sweetser, Trafton, Wallace, Welburn, Worth, and Young—27.

And so said motion was carried in the affirmative.

Mr. Lomax moved to amend the 15th section of said bill by striking out the word "three" and inserting in lieu thereof the word "five" so as to allow the loaning of moneys for five years instead of three.

Which motion was decided in the negative.

Mr. St. John moved to reconsider the vote given on adopting the proviso to the 15th section as proposed by Mr. Lomax.

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Lomax to amend said amendment by adding the said proviso to the 15th section,

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Boon, Child, Crume, Dunn, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Lomax, Marshall, M'Intire, Palmer, Pollock, Read, Ritchie, Robb, St. Clair, Steele, Stewart, Taylor, Welburn, Work and Howk Speaker—27.

Those who voted in the negative are,

Messrs. Allen, Blair, Brown, Craig, Deming, Dufour, Dumont, Elliott, Finley, Frisbie, Lemon, Leviston, Long, Lynd, Matlock, Moyer, Orr, Paybody, Pennington, Sample, Slaughter, St. John, Sweetser, Trafton, Wallace, Williams, Worth and Young—28.

And so said motion was decided in the negative.

The question being then put, Will the house concur in the amendment proposed by the Senate to the said engrossed bill of this house entitled an act to authorize the sale of the school lands and for other purposes? Which amendment was by striking out said bill from its enacting clause and inserting in lieu thereof 23 new sections.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messers. Allen, Blair, Brown, Craig, Crume, Deming, Dufour, Elliott, Finley, Frisbie, Hendricks, Leviston, Long, Lynd, Matlock, M'Intire, Morris, Moyer, Orr, Pabody, Pennington, Read, Ritchie, Sample, Slaughter, St. Clair, St. John, Sweetser, Taylor, Trafton, Wallace, Williams, Worth, and Young —34.

Those who voted in the negative are,

Messrs. Bassett, Bell, Boon, Child, Dumont, Dunn, Goodhue, Hillis, Judah, Kinnard, Lemon, Levenworth, Lomax, Marshall, Palmer, Robb, Steele, Stewart, Welburn, Work and Howk, Speaker—21.

And so said amendment was concurred in by the house.

Ordered, That the clerk inform the senate thereof.

The engrossed bill to change a part of the Bethlehem state road; and,

The engrossed bill from the senate, entitled an act supplemental to an act entitled an act to authorize the loaning of the seminary funds; were severally read a third time and passed.

Ordered, That the first named bill be entitled an act, and that the clerk carry the same to the senate and ask their concurrence therein, and that he inform them of the passage of the last named bill.

The engrossed bill from the senate entitled an act authorizing further sales of the reserved townships of land in Gibson and Monroe counties; and,

The engrossed bill from the senate entitled, an act authorizing the laying off certain state roads, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund for opening and repairing the same, were severally read a third time and passed; the latter with seventeen amendments.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendments to the last named bill.

The engrossed joint resolution on the subject of converting the Governor's House into a State House, was read a third time; and the question being put, Shall said joint resolution pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Blair, Brown, Child, Dufour, Dunn, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Lemon, Long, Lynd, Marshall, M'Intire, Morris, Moyer, Orr, Palmer, Pollock, Ritchie, Robb, Slaughter, St. Clair, St. John,

Stewart, Trafton, Welburn, Williams, Work, Worth and Young—36.

Those who voted in the negative are,

Messrs. Bassett, Bell, Boon, Crume, Dumont, Pabody, Pennington, Read, Sample, Steele, Sweetser, Taylor, Wallace and Howk, Speaker—14.

And so said joint resolution passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

On motion of Mr. Morris, the rules of the house were dispensed with, and the engrossed bill to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein, was read a third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein.

The several amendments proposed by the senate to the engrossed bill of this house entitled an act supplementary to the act regulating the militia of the state of Indiana, being read, and the question being put, Will the house agree to the first amendment, proposed thereto, which was by adding an additional section, which reads in the words following, to wit:

"That should any non-commissioned officer, musician or private fail to attend any regimental, battalion or company muster, as required by law, he shall pay, if a non-commissioned officer, not less than one nor more than two dollars; and if a musician or private, not less than fifty cents nor more than one dollar, at the discretion of the regimental court of assessment."

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Craig, Deming, Frisbie, Goodhue, Hillis, Judah, Lemon, Long, Lynd, Marshall, Morris, Moyer, Orr, Pabody, Palmer, Pennington, Read, Robb, Slaughter, St. Clair, St. John, Stewart, Wallace, Williams, Young, and Howk, speaker—31.

And those who voted in the negative are,

Messrs. Bassett, Brown, Child, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Hendricks, Kinnard, Levenworth, Leviston, Lomax, M'Intire, M'Pheeters, Pollock, Ritchie, Sample, Steele, Sweetser, Taylor, Trafton, Welburn and Worth—25.

And so said amendment was agreed to by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Levenworth moved to amend the second amendment

proposed by the senate to said bill; which reads in the words following, to wit:

"That so much of the thirty-fourth regiment as lies within Spencer county be, and the same is hereby attached to and shall hereafter form a part of the twenty-seventh regiment of Indiana militia, by adding at the end thereof, the words following, to wit:

"All persons having public arms in their possession who have not given a receipt for the same as the law of the United States requires, he shall give such receipt, or return such arms to the commanding officer of the regiment in which he resides, on or before the first day of August next, and shall be liable to pay a fine of twenty-five cents for the use of his respective regiment, for every month's delay afterwards, without giving such receipt."

Which motion was decided in the negative.

And the question being put, Will the house agree to said second amendment? The same was carried in the affirmative.

The amendments proposed by the senate, to the engrossed bill of this house entitled, an act regulating grist mills, were read; and the questiou being put, Will the house agree to said amendment?

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Allen, Blair, Boon, Deming, Dumont, Dunn, Frisbie, Goodhue, Lemon, Levenworth, Long, Lynd, Moyer, Pabody, Pennington, Pollock, Riley, Robb, Slaughter, St. Clair, St. John, Stewart, Sweetser and Trafton—24.

Those who voted in the negative are,

Messrs. Bassett, Bell, Brown, Child, Craig, Crume, Dufour, Elliott, Hendricks, Hillis, Judah, Kinnard, Leviston, Lomax, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Orr, Palmer, Read, Ritchie, Sample, Steele, Taylor, Williams, Worth, Young and Howk, speaker—31.

And so said question was decided in the negative.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled, an act authorizing the board of justices of the county of Lawrence to assess a poll tax for county purposes, was read the first, second and third times, and passed—the rules of the house having first been dispensed with.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled, an act to provide for the inspection of salt, beef and flour, was read the first and second times, the rules of the house having first been dispensed with.

And, on motion of Mr. Sweetser,

Committed to a committee of the whole house, and made the order of the day for to-morrow.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has passed engrossed bills from the house of representatives, entitled as follows, to wit:

An act to establish a state road from Shelbyville, by the way of Marion, in the county of Shelby, Greenfield, in the county of Hancock, to Andersontown, in the county of Madison, and for other purposes;

An act to change the mode of doing county business in the counties of Decatur and Tippecanoe; each with amendments. In which the concurrence of the house is requested. Also, the senate has adopted the following resolution, to wit:

Resolved, That the president of the senate and the speaker of the house of representatives, do, by adjournment on Saturday the 24th inst, close the present session of this general assembly in their respective houses; and that the house of representatives be informed of the passage of this resolution, and the adoption of a similar one on their part requested.

The amendment proposed by the senate to the second named bill in said message, was read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The amendment proposed by the senate to the first named bill was read, and said amendment was amended by consent.

Said amendment as amended was then concurred in by the house.

Ordered, That the clerk inform the senate thereof and ask their concurrence in said amendment.

The following message was received from his excellency, the governor, by Wm. W. Wick:

Mr. Speaker,

I have it in charge, to announce to the house of representatives, that on the 19th inst. the enrolled bills entitled—

An act for the improvement of the navigation of Eel river, and for other purposes;

An act to incorporate the town of Washington in the county of Daviess; and,

An act to change the mode of doing county business in the counties of Wayne, Jefferson, Ripley and Fountain, severally received the signature and approbation of the governor.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills entitled—

An act supplemental to an act entitled an act, declaring certain streams therein named public highways, approved January 26th, 1824;

An act for the relief of purchasers of lots adjoining the town of Indianapolis, under the acts approved January 31st, 1826, and February 12, 1825;

An act to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington, and for other purposes;

An act in addition to an act entitled an act for the incorporation of county libraries, approved January 28, 1824;

An act making general appropriations for the year 1829;

An act to revive an act entitled an act for opening and repairing public roads and highways in certain counties therein named, approved January 21, 1826;

An act to relocate the seat of justice of Warren county; and,

A joint resolution of the general assembly of the state of Indiana relative to the American colonization society;

An act amendatory to an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 20, 1824; and,

A Joint resolution; also,

A memorial of the general assembly, on the subject of the extinguishment of the Indian title to lands within this state; And,

An act to provide for the incorporation of agricultural societies;

And find the same truly enrolled.

When,

The speaker signed said bills, joint resolution and memorial.

Ordered, That the clerk carry the same to the senate for the signature of their president.

And then the house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 21, 1829.

The house met pursuant to adjournment.

Mr. Deming moved to amend the journals of yesterday, by expunging therefrom, the preamble to the resolution reported by Mr. Judah from the committee on canals and internal improvements.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Brown, Child, Deming, Dumont, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Kinnard, Leviston, Lomax, Long, Matlock, M'Pheeters, Orr, Palmer, Pennington, Pollock, Read, Riley, Ritchie, Sample, Slaughter, St. Clair, St. John, Steele, Sweetser, Trafton, Wallace and Young—33.

Those who voted in the negaiive are,

Messrs. Allen, Bell, Blair, Boon, Craig, Crume, Dufour, Judah, Lemon, M'Intire, Morris, Moyer, Pabody, Robb, Welburn, Williams. Work, Worth and Howk, Speaker—19.

And so said motion was carried in the affirmative.

Mr. Elliott, from the select committee appointed to examine the secretary's office, and ascertain the repairs necessary to be made, &c. reported, that, in their opinion, it is expedient to appropriate the sum of twenty dollars for that purpose, to be laid out under the direction of the secretary of state, to procure a writing desk, and to have doors put to the paper cases now in the office, and that a section to that effect should be incorporated in the bill now before this house, making specific appropriations for the year 1829.

Which was read and concurred in by the house.

Mr. Judah moved that the several orders of the day which precede the bill making specific appropriations for the year 1829 be for the present postponed, and that the same be now taken up.

Which motion was carried in the affirmative.

The house again resolved itself into a committee of the whole on the bill just named, and after some time spent therein, the speaker resumed the chair and Mr. Goodhue reported the same with sundry amendments; which were concurred in by the house generally.

Mr. Allen moved to amend said bill, by adding as an additional section thereto, the words following, viz:

"That the sum of $1500, to be paid out of any money in the state treasury not otherwise appropriated be, and the same is

hereby appropriated to pay the expenses of the commissioners for the ensuing year, under the act entitled "an act to establish a canal to connect the navigable waters of the Wabash river, with the navigable waters of Lake Erie," approved January 5, 1828.

And the question being put, Shall said amendment be adopted?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Boon, Craig, Deming, Dunn, Frisbie, Goodnue, Hendricks, Hillis, Judah, Kinnard, Matlock, Marshall, Orr, Palmer, Pollock, Ritchie, Robb, Sample, Taylor, Wallace, Worth and Young—24.

Those who voted in the negative are,

Messrs. Bell, Blair, Child, Crume, Dufour, Dumont, Finley, Leviston, Lomax, Lynd, M'Intire, Morris, M'Pheeters, Pabody, Pennington, Read, Slaughter, St. Clair, St. John, Steele, Stewart, Welburn, Williams and Howk, Speaker—24.

And so said motion was decided in the negative.

The house then adjourned until two o'clock.

2 *o'clock, P. M.*

The house met pursuant to adjournment.

Mr. Palmer submitted the following report:

Mr. Speaker,

The committee on the affairs of the state prison have directed me to report, that the committee have had under their consideration, the situation and circumstances of the state prison, as far as the limited means of their information would permit. That it is the opinion of the committee that the provision of the law, authorising the farming out of the prison, is a salutary one and is calculated to relieve the state from the burthen of annual draughts from the treasury, for sustaining the prison, with the further advantage of producing such annual profit, as will ensure a progressive extension of the buildings and other accommodations for the convenience and safe-keeping of the prisoners.

The committee deem it proper to remark, that the healthful condition and moral improvements of the convicts might be promoted, by making provision by law, for a more detailed municipal regulation and government of the prisoners; but as the present superintendant has it under contract for three years, which has been entered into with a view to existing laws, it would seem that any additional regulations, more onerous upon the superintendant than contemplated by the contract

(of which the existing law is a part) would be unjust and impolitic—under this view of the subject your committee deem it inexpedient to legislate on that subject at present. The committee therefore ask to be discharged.

The above report was read and concurred in by the house.

Mr. Lemon presented the following resolution, viz:

Resolved, That the house of representatives reciprocate the resolution of the senate of yesterday, on the subject of adjournment, and that the president of the senate and speaker of the house of representatives do adjourn their respective houses, *sine die*, on Saturday the 24th instant.

Mr. Lomax moved to amend said resolution by striking out the words "Saturday the 24th," and insert in lieu thereof the words following, viz: "Friday the 23d;" which motion was decided in the negative.

The question recurring, Shall said resolution be adopted? the same was carried in the affirmative.

Mr. Palmer from the select committee to whom was referred, "the bill to incorporate the managers of the Madison and Indianapolis turnpike company" reported, that they have had the same under consideration, and have directed him to report, that it is inexpedient to legislate on that subject, at the present session, and recommend that said bill be postponed until the first Monday in December next.

Which report was read and concurred in by the house.

Mr. Wallace moved to reconsider the vote given on inst. postponing until the first Monday in December next, the further consideration of the engrossed bill from the senate entitled, an act to ensure and commence the construction of the canal to connect the navigable waters of the Wabash river with the navigable waters of Lake Erie.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Craig, Crume, Deming, Elhott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Levenworth, Long, Matlock, Orr, Pabody, Palmer, Pollock, Read, Riley, Ritchie, Robb, Sample, Slaughter, St. John, Taylor, Trafton, Wallace, Welburn, Williams, Worth and Young—35.

Those who voted in the negative are,

Messrs. Allen, Bell, Blair, Child, Dufour, Dumont, Dunn, Lemon, Leviston, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, St. Clair, Steele, Stewart, Sweetser, Work and Howk, speaker—23.

And so said motion was carried in the affirmative.

And the question recurring, Shall the further consideration of said bill be postponed until the first Monday in Dec. next?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Child, Dufour, Dumont, Dunn, Goodhue, Lemon, Leviston, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, St. Clair, Steele, Stewart, Sweetser, Work and Howk, speaker.—25.

Those who voted in the negative are,

Messrs. Bassett, Boon, Brown, Craig, Crume, Deming, Elliott, Finley, Frisbie, Hendricks, Hillis, Judah, Kinnard, Levenworth, Long, Matlock, Orr, Pabody, Palmer, Pollock, Read, Riley, Ritchie, Robb, Sample, Slaughter, St. John, Taylor, Trafton, Wallace, Welburn, Williams, Worth and Young—33.

And so said motion was decided in the negative.

Mr. Dunn moved to amend said bill, by striking out the 16th section thereof, which reads in the words following, to wit:

"That nothing in this act, or the 6th section thereof, shall be so construed or understood, as in anywise to pledge the faith of the state or the revenue thereof, for the completion or construction of the canal aforesaid, (otherwise than from the sale of the lands authorized by this act) or for the redemption of any sum or sums of money that may be loaned or otherwise secured, for the construction or repairs of said canal, except the tolls arising from the same.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Allen, Blair, Child, Craig, Dufour, Dumont, Dunn, Finley, Goodhue, Judah, Lemon, Levenworth, Leviston, Lynd, Morris, Moyer, Pennington, Steele, Stewart, Sweetser, Work, Worth and Howk, Speaker—23.

Those who voted in the negative are,

Messrs. Bassett, Bell, Boon, Brown, Crume, Deming, Elliott, Finley, Hendricks, Hillis, Kinnard, Lomax, Long, Matlock, M'Intire, M'Pheeters, Orr, Pabody, Palmer, Pollock, Read, Riley, Ritchey, Robb, Sample, Slaughter, St. Clair, St. John, Taylor, Trafton, Wallace, Welburn, Williams and Young—35.

And so said motion was decided in the negative.

Mr. Pennington moved further to amend said bill by striking out the sixth section thereof, which reads in the words following, to wit:

"That pursuant to the condition of the grant of the said land to this state by act of congress above referred to: and for the full security of purchasers in the value thereof, it is hereby expressly covenanted, on behalf of the state, that the said land so received by donation of the United States, the principal and interest of the monies arising therefrom, and all avails thereof whatever, shall be and the same are hereby irrevocably pledged for the commencement of said canal within three years from and after the first day of the sale aforesaid, and for the application thereof, to the purpose of constructing and finally completing said canal, and for no other purpose whatever. And further, that if the accumulated interest arising from the sales of said lands as hereinafter provided, shall at the said term of commencement be sufficient to pay the interest of a requisite amount of money to be procured on such terms as the state may deem proper on said lands, and the funds therefrom arising, that said canal shall be completed within three years from said time of commencement; and that if such interest so accumulated, be then not sufficient, the construction of said canal shall progress with all possible dispatch, by the means aforesaid, so as not however, to sacrifice the principal of said land fund before its accomplishment: And further, for the security of purchasers in the most speedy creation of the fund to construct and complete said canal from said lands, and for the encouragement of a prompt compliance with their engagements, on the part of the purchasers, that all lands forfeited in any manner hereinafter mentioned shall be forthwith re-sold on the original condition of sale, without let or stay, extent of time or relief of any kind or nature whatsoever."

Mr. Morris moved to lay said bill on the table.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Boon, Child, Dufour, Dumont, Goodhue, Lemon, Leviston, Lomax, Lynd, M'Intire, Morris, M'Pheeters, Moyer, Pennington, St. Clair, Steele, Stewart, Sweetser, Work and Howk. Speaker—23.

Those who voted in the negative are,

Messrs. Bassett, Brown, Craig. Crume, Deming, Dunn, Elliot, Finley, Frisbie, Hendricks, Hillis, Judah, Kinnard, Levenworth, Long. Matlock, Orr, Pabody, Palmer, Pollock, Read, Riley, Ritchie, Robb, Sample, Slaughter, St. John, Taylor, Trafton, Wallace, Welburn, Williams, Worth and Young—35.

And so said motion was decided in the negative.

The question recurring on Mr. Pennington's motion, to amend said bill by striking out the sixth section thereof,

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Allen, Bell, Blair, Child, Dufour, Dumont, Lemon, Levenworth, Lomax, Lynd, M'Intire, Morris, M'Pheeters, Moyer, Pennington, St. Clair, Steele, Stewart, Sweetser, Work and Howk. Speaker—21.

Those who voted in the negative are,

Messrs. Bassett, Boon, Brown, Craig, Crume, Deming, Dunn, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Kinnard, Leviston, Long, Matlock, Orr, Pabody, Palmer, Pollock, Read, Riley, Ritchey, Robb, Sample, Slaughter, St. John, Taylor, Trafton, Wallace, Welburn, Williams, Worth and Young—36.

And so said motion was decided in the negative.

And the question being then put, Shall said bill pass to a third reading to-morrow?

And the ayes and noes being required by two members,

Those who voted in the affirmaitve are,

Messrs. Bassett, Boon, Brown, Craig, Crume, Deming, Elliott, Finley, Frisbie, Hendricks, Hillis, Judah, Kinnard, Long, Matlock, Orr, Pabody, Palmer, Pollock, Read, Riley, Ritchey, Robb, Sample, Slaughter, St. John, Taylor, Trafton, Wallace, Welburn, Williams, Worth and Young—33.

Those who voted in the negative are,

Messrs. Allen, Bell, Blair, Child, Dufour, Dumont, Goodhue, Lemon, Levenworth, Leviston, Lomax, Lynd, M'Intire, Morris, M'Pheeters, Moyer, Pennington, St. Clair, Steele, Stewart, Sweetser, Work and Howk, Speaker—24.

And so said bill was ordered to be read a third time to-morrow.

Mr. St. Clair, from the joint committee on enrolled bills, reported, that they did, on this day, present to His Excellency the Governor, for his approval and signature, the following bills, entitled acts, to wit:

An act to provide for the incorporation of agricultural societies;

An act to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington, and for other purposes;

An act supplemental to an act declaring certain streams therein named public highways, approved, January 26, 1824;

An act to revive an act entitled an act for opening and re-

pairing public roads and highways in certain counties therein named, approved, January 21, 1826;

An act making general appropriations for the year, 1829.

An act to provide for the relocation of the seat of justice of Warren county;

An act in addition to an act entitled an act for the incorporation of county libraries, approved, January 28, 1824;

An act amendatory to an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 20, 1824;

An act for the relief of the purchasers of out lots adjoining the town of Indianapolis, under the acts, approved, Jan. 31, 1826, and Feb. 12, 1825;

A joint resolution;

A joint resolution of the general assembly of the state of Indiana relative to the American colonization society, and

A memorial of the general assembly on the subject of the extinguishment of the Indian title to lands within this state.

A bill to amend the act entitled an act for assessing and collecting the revenue, approved, January 30, 1824,

Was read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill entitled an act making specific appropriations for the year 1829,

Was read a third time and passed.

Ordered, That the same be entitled "An Act," and that the clerk carry the same to the senate and ask their concurrence therein.

The following message was received from the senate by Mr Test their assistant secretary:

Mr. Speaker—I am instructed, by the senate, to inform the house of representatives, that the senate has passed the engrossed bill from the house of representatives, entitled an act to organize probate courts, and defining the powers and duties of executors and administrators, with thirteen amendments, in which the concurrence of the house is requested.

The amendments proposed by the senate to the above named bill, numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, were severally read and agreed to by the house.

And the question being put, Will the house agree to amendment numbered 13, proposed by the senate to said bill, which was by striking out three and inserting four, so as to allow said probate judge four instead of three dollars per diem.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Craig, Dufour, Dumont, Dunn, Frisbie, Goodhue, Hillis, Levenworth, Leviston, Long, Marshall, M'Intire, Pollock, Sample, St. Clair, St. John, Sweetser, Wallace, Welburn and Work—23.

Those who voted in the negative are,

Messrs. Bell, Blair, Child, Crume, Deming, Elliott, Finley, Hendricks, Judah, Kinnard, Lemon, Lomax, Lynd, Matlock, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Pennington, Read, Ritchie, Robb, Steele, Stewart, Taylor, Welburn, Williams, Worth, Young and Howk, Speaker—36.

And so the house refused to agree to said amendment.

Ordered, That the clerk inform the senate thereof, and of the agreement of the house to the other amendments.

The following message was received from the senate by Mr. Dill their secretary:

Mr. Speaker—I am instructed by the senate to inform the house of representatives, that the senate have passed the engrossed bill of the house, entitled an act to change a part of the Bethlehem state road, with one amendment, which was by striking out the word "Brownsville," and inserting the word "Brownstown," in which the concurrence of the house is requested.

The amendment proposed by the senate to said bill was agreed to by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Marshall from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, to wit:

An act to change the mode of doing county business in the counties of Decatur and Tippecanoe;

An act supplementary to the act regulating the militia of the state of Indiana;

An act supplemental to an act entitled an act to authorize the loaning of the seminary funds, approved, January 24, 1828;

An act authorising further sales of the reserved townships of land in Gibson and Monroe counties;

An act to authorise the sale of the school lands and for other purposes; and

An act authorizing the board of justices doing county business in the county of Lawrence, to assess a poll tax for county purposes, and find the same truly enrolled.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JANUARY 22, 1829.

The house met pursuant to adjournment.

Mr. Marshall, from the committee on military affairs, to whom was referred the communication from the Governor, with the accompanying documents, relative to a distribution of the public arms, &c. reported, that they have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That it is inexpedient at this time to legislate on that subject, and that said committee be discharged from the further consideration of the same.

Which report was read and concurred in by the house.

Mr. Lomax, from the committee on roads, to whom was referred the petition of Gibson Garrett and others of Putnam county, and of Martin Bly and others, and James F. Beckett and others of Hendricks county, praying for the vacation of so much of the state road from Indianapolis to Montezuma, as lies between Danville and Montezuma, and the application of the money appropriated on said road, exclusively on that part that lies between Indianapolis and Danville; also, the remonstrance of John Hubbert, against said petitions, have had the same under their consideration, and have directed him to report—that, from the quantity of business now before the house, your committee are of the opinion that it would be inexpedient at this late period of the session to report by bill, and therefore ask to be discharged from the further consideration of said petitions and remonstrance.

Which report was read and concurred in.

Mr. Bassett moved for leave to withdraw the petition on the files of this house, of sundry citizens of Dearborn county, praying a relocation of the seat of justice of said county; which was granted by the house.

On motion of Mr. Boon,

Each member who has presented any petition or petitions, on the subject of divorces, has leave to withdraw the same.

The following message was received from the senate, by Mr. Test, their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed a memorial entitled, a memorial to the congress of the United States relative to the French Lick township of land; in which the concurrence of the house of representatives is requested.

The senate has passed an engrossed bill, from the house of representatives entitled, an act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein, with two amendments, in which the concurrence of the house is requested.

The above named memorial was read the first, second and third times and passed, the rules of the house having first been dispensed with.

Ordered, That the clerk inform the senate thereof.

And the amendments proposed by the senate to the bill on the subject of judicial circuits in said message, were severally read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Palmer moved to dispense with the rules of the house, and that the bills on a third reading be now taken up.

Which motion was decided in the negative.

Mr. Hillis moved that the several orders of the day which precede the bill to ensure and commence the construction of the canal to connect the navigable waters of the Wabash river with the navigable waters of Lake Erie, be for the present postponed, and that the same be now taken up.

Which motion was decided in the negative.

The following message was received from the senate, by Mr. Test, their assistant secretary, to wit:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives that the senate has concurred in the amendments proposed by the house of representatives to the amendment proposed by the senate to the engrossed bill from the house entitled, an act to establish a state road from Shelbyville, by the way of Marion in the county of Shelby, Greenfield in the county of Hancock, to Andersontown in the county of Madison and for other purposes.

The senate refuses to concur in the 12th, 13th, 14th, 15th and 16th amendments proposed by the house to the engrossed bill from the senate entitled, an act in addition to an act entitled an act authorizing the laying off certain state roads, and appropriating $100,000 of the three per cent. fund for opening the same, and the several acts amendatory thereto; but agree to all the other amendments proposed by the house to said bill.

The senate have receded from their proposed amendment to the engrossed bill from the house of representatives entitled, an act to amend the law regulating grist mills.

The senate refuses to concur in the amendment proposed by the house of representatives, to the amendment proposed by

the senate, to the second amendment proposed by the house of representatives, to the engrossed bill of the senate entitled, an act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river.

Mr. Lemon moved that the house do adhere to the amendment proposed by them to the amendment proposed by the senate to the second amendment proposed by the house to the last named bill in the above message; when

Mr. Palmer rose in his place and objected to the motion of Mr. Lemon, as being out of order; that it was out of order and unparliamentary for Mr. Lemon to make the above motion to adhere, there being a precedent part of the same message unacted on by the house, viz: the subject of the amendments proposed by the house, to the engrossed bill from the senate entitled, an act in addition to an act entitled an act authorizing the laying off certain state roads and appropriating $100,000 of the three per cent. fund for opening the same, and the several acts amendatory thereto, without the house first dispensing with said precedent part.

On which point the speaker decided that Mr. Lemon was in order, in making said motion, without dispensing with the precedent part of said message—that it was in order for a member to move to act on any part of a message first.

From which decision Mr. Palmer took an appeal to the house, and the question being put, Is the decision of the chair correct?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Child, Craig, Crume, Deming, Dufour, Dumont, Dunn, Frisbie, Goodhue, Hendricks, Judah, Lemon, Levenworth, Lomax, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pabody, Pennington, Pollock, Read, Riley, Ritchie, Sample, Slaughter, St. Clair, St. John, Steele, Stewart, Trafton, Wallace, Williams, Work. Worth and Young—43.

And those who voted in the negative are,

Messrs. Elliott, Hillis, Kinnard, Palmer, Robb and Sweetser—6.

And so the house decided said question in the affirmative.

The question then recurring on Mr. Lemon's motion to adhere as above stated,

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Brown, Child, Craig, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Levenworth, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Riley, Ritchie, St. Clair, Steele, Stewart, Taylor, Trafton, Wallace, Welburn, Work and Howk, Speaker—34.

Those who voted in the negative are,

Messrs. Boon, Crume, Deming, Elliott, Finley, Goodhue, Hillis, Kinnard, Leviston, Lomax, Long, Matlock, Orr, Pabody, Palmer, Read, Robb, Sample, Slaughter, St. John, Sweetser, Williams, Worth and Young—24.

And so said motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

The house then receded from the 12th, 13th, 14th 15th and 16th amendments, proposed by them to the engrossed bill of the senate entitled, an act authorizing the laying off certain state roads and appropriating $100,000 of the three per cent. fund for opening and repairing the same, and the several acts amendatory thereto.

Ordered, That the clerk inform the senate thereof.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives that the senate refuse to concur in the amendment proposed by the house, to the amendment of the senate, to the engrossed bill from the house of representatives entitled, an act relative to navigable streams, declared highways by the ordinance of 1787.

The house receded from the amendment proposed by them to the amendment proposed by the senate to the engrossed bill of this house, just named in the above message.

The engrossed bill to amend the act entitled, an act for assessing and collecting the revenue, approved January 30th, 1824, was read a third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill of the senate to ensure and commence

the construction of the canal to connect the navigable waters of the Wabash river with the navigable waters of Lake Erie, was read the third time, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Crume, Deming, Elliott, Finley, Frisbie, Hendricks, Hillis, Judah, Kinnard, Long, Matlock, Orr, Pabody, Palmer, Read, Riley, Robb, Sample, Slaughter, St. John, Taylor, Trafton, Wallace, Welburn Worth and Young—29.

Those who voted in the negative are,

Messrs. Allen, Bell, Blair, Child, Craig, Dufour, Dumont, Dunn, Goodhue, Lemon, Levenworth, Leviston, Lomax, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Ritchie, St. Clair, Steele, Stewart, Sweetser, Williams, Work and Howk, Speaker—29.

And so said bill was lost.

On motion of Mr. Judah,

The committee of the whole house to whom was committed, the joint resolution on the subject of amending the Constitution of the United States, and the joint resolution relative to an amendment of the Constitution of the United States, in relation to the election of President, was discharged from the further consideration of the same; and,

On motion of Mr. Judah,

Said joint resolutions were postponed until the first Monday in December next.

On motion of Mr. Blair,

The committee of the whole house to whom was committed, the bill declaring Bean Blossom creek a public highway, was discharged from the further consideration of the same; and,

On motion,

The same was postponed until the first Monday in December next.

On motion of Mr. St. Clair,

The committee of the whole house to whom was committed, the bill to amend the act entitled, an act subjecting real and personal estate to execution, approved January 20, 1824, was discharged from the further consideration of the same, and the

question being put, Shall said bill be engrossed and read a third time to-morrow? the same was decided in the negative.

And so said bill was lost.

On motion of Mr. Pennington,

The committee of the whole house to which was committed the bill to cause the state road from New-Albany in Floyd county through Corydon and Fredonia to Princeton to be opened, was discharged from the further consideration thereof.

Mr. Welburn moved to amend said bill by adding the following as an additional section thereto, viz:

Sec. That fifty dollars out of the fund commonly called the three per cent. fund be appropriated on the state road from Mount Vernon to Collins' ferry on the Ohio river in a direction to Vandalia in the state of Illinois, for the purpose of defraying the expenses of surveying, marking, &c., and that the agent be authorized to pay the same out of said fund so soon as the one hundred thousand dollars heretofore appropriated shall be expended.

And so said motion was decided in the negative.

Mr. Boon moved to amend said bill by striking out the first section, which reads as follows, to wit:

Sec. 1. That the sum of three hundred and thirty dollars be, and the same is hereby appropriated out of the three per cent. fund, for opening that part of the above described road which lies between Fredonia in Crawford county and Princeton in Gibson county, and that Adam Shoemaker of Perry county be, and he is hereby appointed a commissioner, with power to draw on the agent of the three per cent. fund, for the amount herein appropriated.

Which motion was decided in the negative.

Mr. Worth moved to amend said bill, by adding an additional section thereto, which reads as follows, to wit:

"That one hundred dollars be, and the same is hereby appropriated out of the three per cent. fund, on the state road leading from Fort Wayne to the Ohio line, in the direction to Fort Defiance, to be expended under the direction of the commissioners of the county of Allen."

Which motion was decided in the negative.

Mr. Dufour moved to amend said bill by adding as an additional section thereto, the following, viz:

"That the sum of three hundred dollars of the three per cent. fund be, and the same is hereby appropriated, to build a bridge across Plum creek in Switzerland county, where the state road from Madison, by the way of Vevay and Rising Sun to Lawrenceburgh, crosses the same, and that Newton H. Taff be ap-

pointed commissioner to receive and lay out said money, in building said bridge, and that the sum of one hundred dollars of the three per cent. fund be, and the same is hereby appropriated, to open the state road from New York, in Switzerland county, to intersect the state road from Vevay to Napoleon at or near and that Aaron Chamberlain be, and he is hereby appointed commissioner to receive and lay out said money, in opening said road."

Which motion was decided in the negative.

Mr. Sample moved further to amend said bill. by adding as an additional section thereto, the words following, to wit:

"That fifty dollars of the three per cent. fund be, and the same is hereby appropriated to the opening a state road from the Ohio line, near Abingdon in Wayne county, to Connersville in Fayette county, by way of Waterloo and Goodlander's mill.

Which motion was carried in the affirmative.

Mr. Hendricks moved further to amend said bill, by adding as an additional section thereto, the following, to wit:

"That the sum of five hundred dollars be appropriated out of the three per cent. fund, for the opening of a state road from Vernon to Fort Wayne, by way of Decatur, Rush and Henry counties."

Which motion was decided in the negative.

Mr. Taylor moved further to amend said bill, by adding as an additional section thereto, the following, viz:

Sec. *Be it further enacted*, That the sum of three hundred dollars of the three per cent. fund be, and the same is hereby appropriated on the state road leading from Indianapolis to Crawfordsville.

Mr. Deming moved further to amend said bill by adding the following as an additional section thereto, to wit:

"That two hundred dollars out of the three per cent. fund is hereby appropriated, to be applied on the state road leading from Terre-Haute, by the army ford, to Fort Wayne, to be applied by the commissioners of said road.

Which motion was decided in the negative.

Mr. Boon moved further to amend said bill, by adding the following as an additional section thereto, viz:

"That the sum of one hundred dollars, out of the three per cent. fund be, and the same is hereby appropriated, on the state road from Carlisle in Sullivan county, to Spencer in Owen county.

Which motion was also decided in the negative.

Mr. Orr moved further to amend said bill, by adding the following as an additional section thereto, to wit:

"That the sum of five hundred dollars be appropriated out of the three per cent. fund, to locate and open a state road from Bloomington via Greencastle and Crawfordsville, to Lafayette, and that William Sutherlin, of Putnam county, be appointed a commissioner to locate and open said road."

Which motion was also decided in the negative.

The following message was received from his excellency, the governor, by Mr. Quarles, his private secretary:

Mr. Speaker,

I am instructed by his excellency the governor, to inform the house of representatives, that he did, on this day, approve and sign

An act for the relief of purchasers of lots adjoining the town of Indianapolis, under the acts approved January 31st, 1826, and February 12, 1825;

An act in addition to an act entitled an act for the incorporation of county seminaries, approved January 28, 1824;

An act to authorize the board of justices of Scott county to sell a part of the public square in the town of Lexington, and for other purposes;

An act to provide for the incorporation of agricultural societies;

An act supplemental to an act entitled an act, declaring certain streams therein named public highways, approved January 26th, 1824;

An act to relocate the seat of justice of Warren county;

An act to revive an act entitled an act for opening and repairing public roads and highways in certain counties therein named, approved January 22, 1826;

An act making general appropriations for the year 1829;

A joint resolution of the general assembly of the state of Indiana relative to the American colonization society;

All of which originated in the house of representatives.

The house then adjourned until 2 o'clock.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resumed the consideration of the engrossed bill from the senate, to cause the state road from New Albany through Corydon and Freedonia to Princeton, to be opened;

And the question being put, Shall the amendments to said bill be engrossed and with said bill be read a third time to-morrow?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bell, Brown, Crume, Dumont, Dunn, Elliott, Finley, Frisbie, Hendricks, Hillis, Kinnard, Lemon, Levenworth, Leviston, Lomax, Long, M'Pheeters, Orr, Pabody, Palmer, Pennington, Riley, Ritchie, Robb, Sample, Slaughter, St. John, Steele, Stewart, Trafton, Wallace, Welburn, Williams, Work, Young and Howk, Speaker—37.

Those who voted in the negative are,

Messrs. Bassett, Blair, Boon, Child, Deming, Dufour, Goodhue, Lynd, Marshall, M'Intire, Morris, Moyer, Pollock, Read, St. Clair, Sweetser, and Worth—17.

And so said question was carried in the affirmative.

On motion of Mr. Read,

The committee of the whole house to which was committed the bill supplementary to the several acts for assessing and collecting the revenue, was discharged from the further consideration of the same. [This bill provides for a prospective system of ad valorem taxation.]

Mr. Pennington moved that the further consideration of the same be postponed until the first Monday in December next;

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Crume, Dufour, Elliott, Finley, Hillis, Lemon, Levenworth, Leviston, Lomax, Lynd, M'Pheeters, Palmer, Pennington, Pollock, Sample, St. Clair, Steele, Stewart, Sweetser, Trafton, Wallace, Williams and Howk, speaker—26.

And those who voted in the negative are,

Messrs. Allen, Boon, Brown, Child, Craig, Dumont, Dunn, Frisbie, Goodhue, Hendricks, Judah, Kinnard, Long, Matlock, Marshall, M'Intire, Morris, Orr, Pabody, Read, Ritchey, Robb, St. John, Taylor, Welburn, Worth and Young—26.

And so said motion was decided in the negative.

Mr. Lemon moved to lay said bill on the table.

And the ayes and noes being required thereon by two members.

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Crume, Dufour, Elliott, Finley, Hillis, Lemon, Levenworth, Leviston, Lomax, Lynd, Marshall, M'Pheeters, Palmer, Pennington, Pollock, Sample, St. Clair, Steele, Stewart, Wallace, Williams, Work and Howk, speaker—26.

Those who voted in the negative are,

Messrs. Allen, Boon, Brown, Child, Craig, Deming, Dumont, Dunn, Frisbie, Goodhue, Hendricks, Judah, Kinnard, Long, Matlock, M'Intire, Morris, Moyer, Orr, Pabody, Read, Ritchie, Robb, St. John, Sweetser, Taylor, Trafton, Welburn, Worth and Young—30.

On motion of Mr. Dufour,

Said bill was recommitted to a committee of the whole house and made the order of the day for to-morrow.

On motion of Mr. Read,

The committee of the whole house to which was committed the engrossed bill, from the senate, entitled an act to amend an act for opening and repairing public roads and highways, approved, January 24, 1828; and the bill for opening and repairing public roads and highways, of this house, was discharged from the further consideration of the same.

On motion of Mr. Brown,

The further consideration of the last named bill was indefinitely postponed.

Mr. Brown moved that the further consideration of the first named bill be postponed until the first Monday in December next.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Deming, Dumont, Finley, Hendricks, Hillis, Lemon, Pennington, Pollock, Read, St. Clair, Stewart, Sweetser, Taylor, Work and Howk, Speaker—18.

Those who voted in the negative are,

Messrs. Allen, Bell, Boon, Child, Craig, Crume, Dufour, Dunn, Frisbie, Judah, Kinnard, Levenworth, Leviston, Lomax, Long, Lynd, Matlock, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Palmer, Ritchie, Robb, Sample, St. John, Steele, Trafton, Wallace, Welburn, Williams, Worth and Young—36.

And so said motion was decided in the negative.

Mr. Long moved to amend said bill by striking out the first section thereof, which reads as follows, viz.

That hereafter each and every male inhabitant between the age of 21 and 50 years, excepting such as are now exempt by law, or who shall be excused by the board doing county business for good cause shewn, shall be subject to work on public roads and highways three days in each year, for personal privileges, under the direction of the proper supervisor, subject to the same penalty for any delinquency as is by law now provided.

Which motion was carried in the affirmative.

Mr. Read moved further to amend said bill by striking out the third section thereof, which reads as follows, viz.

Sec. 3. That in all cases when the hands allotted to any road or road district shall have performed the number of days work required of them by the laws of this state, if such road shall remain unfinished, or shall, at any time, be found out of repair, it shall be the duty of the supervisor of such road to call the hands assigned him to complete, put or keep such road in repair.

Mr. Dumont moved to amend said section, by inserting after the word "time," the words following—"in proportion to the amount of their state tax."

Which motion was decided in the negative.

The question then recurring on Mr. Read's motion, as above stated, to strike out the 3d section of said bill,

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Child, Deming, Dufour, Dumont, Hendricks, Kinnard, Lemon, Lynd, M'Intire, Pollock, Read, Robb, St. Clair, Stewart, Sweetser, Taylor, Work and Howk, Speaker—22.

Those who voted in the negative are,

Messrs. Allen, Bell, Boon, Craig, Crume, Dunn, Finley, Frisbie, Goodhue, Levenworth, Leviston, Lomax, Long, Matlock, Morris, M'Pheeters, Orr, Pabody, Palmer, Pennington, Ritchie, Sample, St. John, Steele, Trafton, Wallace, Williams, Worth, and Young—30.

And so said motion was decided in the negative.

Mr. St. Clair moved further to amend said bill, by adding the following thereto as an additional section, to wit:

Sec. That the 36th section of the act for opening and repairing public roads and highways, approved January 24, 1828, which defers the collection of the non-resident road tax until the first day of December, be and the same is hereby repealed; and such tax from non-resident land shall be collected as is provided in the 14th section of said act; and if not paid shall be collected by sale of such lands as is provided for the collection of other tax on non-resident land.

Which motion was carried in the affirmative.

Mr. Levenworth, also, moved to amend said bill by adding the following as an additional section, viz.

That the commissioners or boards doing county business, shall cause all state roads laid out in their respective counties by legislative authority, to be opened; and when the commissioners, appointed to lay out said road, have laid out the same, and returned to such commissioners or board doing county business, the courses and distances of said road, in such county, said commissioners or board as aforesaid shall, according to law, pay the commissioners for laying out the same.

Which motion was decided in the negative.

Mr. Stewart moved further to amend said bill by striking out the 2d section thereof, which reads as follows, viz.

Sec. 2. That said supervisor shall be allowed fifty cents per diem, for each and every day he or they may be necessarily employed in the discharge of their duties, to be paid out of the county treasury.

Mr. Sweetser then moved that the further consideration of said bill be indefinitely postponed.

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Child, Deming, Dufour, Dumont, Frisbie, Hendricks, Lemon, Levenworth, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pennington, Pollock, Read, Ritchie, Stewart, Sweetser, Taylor, Work and Howk, speaker—25.

And those who voted in the negative are,

Messrs. Allen, Bell, Boon, Crume, Dunn, Finley, Goodhue, Hillis, Kinnard, Leviston, Lomax, Long, Morris, Orr, Pabody, Palmer, Robb, Sample, St. Clair, St. John, Steele, Trafton, Wallace, Williams, Worth and Young,—26.

And so said motion was decided in the negative.

Mr. Read then moved to lay said bill and proposed amendment on the table.

And the ayes and noes being required thereon by two members;

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Child, Deming, Dufour, Dumont, Finley, Frisbie, Hendricks, Hillis, Lemon, Levenworth, Lynd, Marshall, M'Intire, M'Pheeters, Mover, Pennington, Pollock, Read, Ritchie, St. Clair, Stewart, Sweetser, Taylor, Williams, Work and Howk, Speaker—29.

Those who voted in the negative are,

Messrs. Allen, Bell, Boon, Crume, Dunn, Goodhue, Judah, Kinnard, Leviston, Lomax, Long, Morris, Orr, Pabody, Palmer, Robb, Sample, St. John, Steele, Trafton, Wallace, Welburn, Worth and Young—24.

And so said motion was carried in the affirmative.

Mr. St. Clair from the joint committee for enrolled bills, reported, that they did, on this day, present to His Excellency the Governor for his approval and signature, the following enrolled bills, entitled "acts," to wit:

An act to authorize the sale of the school lands and for other purposes;

An act supplemental to the act regulating the militia of the state of Indiana;

An act supplemental to an act entitled an act to authorize the loaning of the seminary funds, approved, January 24, 1828;

An act authorising further sales of the reserved townships of land in Gibson and Monroe counties;

An act to change the mode of doing county business in the counties of Decatur and Tippecanoe;

An act authorizing the board of justices doing county business in the county of Lawrence, to assess a poll tax for county purposes.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills, to wit:

An act to establish a state road from Shelbyville, by the way of Marion, in the county of Shelby, Greenfield, in the county of Hancock, to Andersontown, in the county of Madison, and for other purposes;

An act to amend the law regulating grist mills;

An act to locate a state road from the Ohio line by Abbington and Waterloo to Connersville;

An act to change a part of the Bethlehem state road;

An act to establish a state road, commencing at or near Abraham Marcles, in Martin county, and running thence through Mount Pleasant; thence to intersect the state road leading from New Albany to Vincennes, at or near the farm of John C. Clark; and

An act to amend an act, entitled, an act to encourage the killing of wolves, approved, January 27, 1827; and find the same truly enrolled.

When,

The speaker signed said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The committee of the whole house to whom was committed the bill to amend the act authorizing the arresting and securing fugitives from justice, approved, January 22, 1824, was discharged from the further consideration of the same.

Mr. Boon moved that the further consideration of the said bill be indefinitely postponed.

Which motion was decided in the negative.

And the question being put, Shall said bill be engrossed and read a third time to-morrow?

The same was decided in the negative.

And so said bill was lost.

The committee of the whole house to whom was committed the bill to amend an act providing for the incorporation of towns, was discharged from the further consideration of the same: and

On motion of Mr. Dunn,

The said bill was ordered to lie on the table.

The house resolved itself into a committee of the whole on the engrossed bill, from the senate, to provide for the inspection of salt, beef and flour; and after some time spent therein, the speaker resumed the chair, and Mr. Elliott reported the same with sundry amendments, which were concurred in by the house generally.

Ordered, That said amendments be engrossed, and with said bill be read a third time to-morrow.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of representatives, that the senate has receded from the 13th amend-

ment proposed by them to the engrossed bill from the house of representatives, entitled, an act to organize probate courts, and define the powers and duties of executors and administrators.

The senate has concurred in the several amendments proposed by the house of representatives to the engrossed bill from the senate, entitled an act to establish a state road, commencing at or near Abraham Marcle's, in Martin county, and running thence through Mount Pleasant; thence to intersect the state road leading from New Albany to Vincennes, at or near the farm of John C. Clark.

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, January 23, 1829.

The house met pursuant to adjournment.

On motion of Mr. Read,

Resolved, That the door-keeper of this house be, and he is hereby authorized to take possession of the south-west room, up stairs, in the court house in Indianapolis, in which he shall deposit all the chairs and other furniture belonging to the state, and that he procure a strong lock and have the same put on the door of said room, so as to ensure the safe-keeping of said furniture until the next session of the general assembly.

On motion of Mr. Long,

The engrossed bill from the senate entitled, an act for opening and repairing public roads and highways was taken up.

On motion of Mr. Read,

The third section of said bill was amended after the word "him," by the addition of the following words: "in proportion to the road tax now assessed."

The house resumed the consideration of the motion made by Mr. Stewart, on yesterday, to strike out the second section of said bill.

Mr. St. John moved to amend said section, by adding at the end thereof, the words following, to wit:

"Except two days for personal privileges, and the amount of tax assessed on either real or personal estate, for the benefit of public highways, at fifty cents per day."

Which motion was carried in the affirmative.

Mr. Pennington moved further to amend said section, by inserting after the word "he," as follows, to wit: "may be employed in warning hands."

Which motion was decided in the negative.

The question then recurring on Mr. Stewart's motion to strike out said section, the same was decided in the negative.

Mr. Robb moved to amend the 4th section of said bill, which reads as follows, to wit:

"That there shall be and is hereby assessed on town lots, a road tax equal to one half the amount of county tax thereon, to be collected or worked out in the same manner as is provided in the case of lands owned by residents and non-residents, the labour to be bestowed within the bounds of said town, to the improvement of its streets," by striking out all after the words "non-residents"—so that said road tax should not be worked out within the towns.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Brown, Child, Crume, Dunn, Elliott, Frisbie, Hillis, Lomax, Lynd, Matlock, Morris, Palmer, Pollock, Robb, Sample, St. John, Taylor, Wallace, Williams, Worth and Howk, Speaker—25.

Those who voted in the negative are,

Messers. Allen, Boon, Craig, Deming, Dufour, Dumont, Finley, Goodhue, Hendricks, Judah, Kinnard, Lemon, Levenworth, Leviston, Long, M'Pheeters, Orr, Pabody, Pennington, Read, Ritchie, Slaughter, St. Clair, Steele, Stewart, Trafton, Welburn and Work—28.

Which motion was decided in the negative.

Mr. Crume moved to amend said section by inserting after the word "lots," the following words, viz: "except any incorporated town."

Which motion was carried in the affirmative.

Mr. Elliott then moved to strike out the said fourth section.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bassett, Boon, Brown, Craig, Deming, Dufour, Elliott, Finley, Goodhue, Hillis, Lemon, M'Pheeters, Palmer, Pollock, Read, Ritchie, Robb, Slaughter, Stewart, Taylor and Young—21.

Those who voted in the negative are,

Messrs. Allen, Bell, Blair, Child, Crume, Dumont, Dunn, Frisbie, Hendricks, Kinnard, Leviston, Lomax, Long, Lynd, Matlock, M'Intire, Morris, Orr, Pabody, Pennington, Sample, St. Clair, St. John, Steele, Sweetser, Trafton, Wallace, Welburn, Williams, Work, Worth and Howk, Speaker—32.

And so said motion was decided in the negative.

Said amendments were then ordered to be engrossed and with said bill read a third time this evening.

Mr. Trafton moved to reconsider the vote, given on yesterday, on adhering to the amendment proposed by the house, to the amendment proposed by the senate, to the second amendment proposed by the house to the engrossed bill from the senate entitled, "an act to establish a state road from Lake Michigan, by way of Indianapolis to some convenient point on the Ohio river."

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Boon, Crume, Deming, Elliott, Finley, Goodhue, Hillis, Kinnard, Leviston, Lomax, Long, Matlock, Orr, Pabody, Palmer, Riley, Robb, Sample, Sweetser, Taylor, Trafton and Worth—22.

Those who voted in the negative are,

Messrs. Allen, Bassett, Bell, Blair, Brown, Child, Craig, Dufour, Dumont, Dunn, Hendricks, Judah, Lemon, Levenworth, Lynd, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Read, Ritchie, St.Clair, St. John, Steele, Stewart, Wallace, Welburn, Williams, Work, and Howk, Speaker—33.

And so said motion was decided in the negative.

The following message was received from his excellency the governor, by Mr. Quarles, his private secretary:

Mr. Speaker,

I am requested by his excellency the governor to inform the house of representatives that he did on this day approve and sign—

An act to authorise the sale of the school lands and for other purposes;

An act supplementary to the act regulating the militia of the state of Indiana;

An act to change the mode of doing county business in the counties of Decatur and Tippecanoe; which originated in the house of representatives.

Mr. Craig moved to reconsider the vote given on the 17th December last, on the passage of the joint resolution of the general assembly, relative to the three per cent. fund.

Which motion was carried in the affirmative.

The question being then put, Shall said joint resolution pass?

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Bassett, Bell, Blair, Boon, Brown, Craig, Deming, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Levenworth, Lomax, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Read, Ritchie, Robb, Slaughter, St. Clair, St. John, Steele, Stewart, Williams and Work—32.

Those who voted in the negative are,

Messrs. Child, Crume, Elliott, Finley, Goodhue, Hillis, Kinnard, Leviston, Long, Lynd, Matlock, Orr, Pabody, Palmer, Riley, Sample, Taylor, Trafton, Wallace, Welburn, Worth, Young and Howk, Speaker—23.

And so said joint resolution passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence therein.

Mr. St. Clair, from the joint committee on enrolled bills, reported, that they did, on this day, present to His Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to amend an act entitled, an act to encourage the killing of wolves, approved January 27, 1827;

An act to change a part of the Bethlehem state road;

An act to amend the law regulating grist mills;

An act to establish a state road, commencing at or near Abraham Marcle's, in Martin county, and running thence through Mount Pleasant; thence to intersect the state road leading from New Albany to Vincennes, at or near the farm of John C. Clark;

An act to locate a state road from the Ohio line, by Abington and Waterloo, to Connersville;

An act to establish a state road from Shelbyville by the way of Marion in the county of Shelby, Greenfield in the county of Hancock to Andersontown in the county of Madison, and for other purposes.

The following message was received from the senate by Mr. Test their assistant secretary:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed an engrossed bill from the house of representatives entitled, "an act making specific appropriations for the year 1829," with sundry amendments thereto, in which the concurrence of the house of representatives is requested.

The amendments proposed by the senate to the above named bill, were severally read and agreed to by the house, except the 4th, and that part of said amendment which allows Daniel C. Lane $50. for an error against himself, as late treasurer of state, was agreed to by the house, and that part which allows him interest on the same was disagreed to by the house.

Ordered, That the clerk inform the senate thereof.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives, that the senate has passed the engrossed bill from the house of representatives entitled, "an act concerning the Wabash and Miami canal;" with one amendment, in which the concurrence of the house of representatives is requested.

The senate has also passed an engrossed bill from the house of representatives entitled, "an act to amend the act entitled, an act for assessing and collecting the revenue," approved January 30, 1824; without amendment.

The question being then put, Will the house concur in the amendment proposed by the senate to the bill of this house concerning the Wabash and Miami canal, which was by striking said bill out from its enacting clause, and inserting the following six sections in lieu thereof:

That the canal commissioners on the contemplated canal to connect at navigable points, the waters of the Wabash river and Lake Erie, now in office, under a statute of this state, approved 5th day of January 1828, before they proceed to perform any other or further duties, shall each enter into bond with at least two sufficient sureties, in the penal sum of fifty thousand dollars each, payable to the state of Indiana, condi-

tioned for the true and faithful performance of all and singular their duties as such commissioners, and for the true and faithful accounting for and paying over all monies which may come to their hands as such commissioners, which said bonds after being approved of by his excellency the governor, shall be forthwith filed and recorded in the office of the secretary of state, and shall be a lien as a mortgage upon all and singular the real estate of the obligors, severally from the date of the bonds.

Sec. 2. That it shall further be the duty of said commissioners, so soon as they shall have given bond as aforesaid, to appoint one of their body president of their board, which said appointment, they shall record in the book of their proceedings, and shall also in writing under their hands and seals, inform the governor, secretary, auditor and treasurer of state of said appointment, and shall then proceed forthwith to open their office at some convenient place, to be by them selected in the state of Indiana, and shall remove all the books, documents and papers belonging to and connected with the duties by them to be performed to their said office.

Sec. 3. That the president of said board, is hereby made the acting commissioner, whose duty it shall be, to keep a true record of all their proceedings, transactions, communications and correspondence; and shall officially sign for the board, all records, communications, correspondence, and all other instruments in writing, documents and papers, necessary at any time to be signed by said board, and that all duties and services to be performed by said board, which can be performed by one person, shall be performed by the president, unless the board direct by an order on their books some other member of the board to perform the same. And it shall be the duty of the board, whenever they can advantageously do so, to divide their duties amongst the several members for performance, and shall keep a correct account of the number of days each commissioner may be in service, and shall monthly record the same in their books. But that no commissioner shall hereafter receive pay, except, while he is actively and advantageously employed in the services and duties by him to be from time to time performed.

Sec. 4. That the line of said contemplated canal, as surveyed and marked and platted by the engineer of the United States, as the same now stands, altered by the commissioners of the state of Indiana, as by them surveyed, marked and platted, the field notes and plats of all said surveys are now in the office of the secretary of this state, be and the same is hereby for the

time being, adopted and established as the line of said canal, subject however to such alterations as the chief engineer, who may be employed by the state of Indiana to superintend the construction of said canal, may find it necessary for the interest of the state to make.

Sec. 5. That so soon as the lands on said canal which were donated to the state of Indiana by the act of congress of the 2d March 1827, for the purpose of aiding the state in the construction of said canal shall be surveyed, said commissioners shall proceed to and shall select said lands agreeably to the true intent and meaning of the aforesaid act of congress, omitting all reservations made by treaty previous to the passage of said act of congress, and make five complete maps and descriptions of said lands, shewing the numbers, townships, ranges and other necessary descriptions, together with the aforesaid reservations, if any, which would have fallen to the state, had no such reservation been made, and shall immediately forward one of said plats to the secretary of the treasury of the United States, and one to each of the offices of secretary, auditor and treasurer of state and retain in their own office the other.

Sec. 6. *Be it further enacted*, That the sum of one thousand dollars, to be paid out of any money in the treasury not otherwise appropriated, be and the same is hereby appropriated, to defray the expenses of the board of commissioners of the Wabash and Miami canal, in discharge of the duties required of them by the act entitled, "an act to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie, which sum shall be refunded out of the funds arising from the sale of land when sold.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Blair, Boon, Brown, Child, Craig, Crume, Deming, Dufour, Dunn, Elliott, Finley, Frisbie, Goodhue, Hendricks, Hillis, Judah, Lemon, Levenworth, Lomax, Long, M'Intire, Morris, M'Pheeters, Moyer, Orr, Pabody, Pennington, Pollock, Ritchie, Robb, Sample, Slaughter, St. Clair, St. John, Steele, Stewart, Sweetser, Taylor, Wallace, Williams, Worth and Young—45.

Those who voted in the negative are,

Messrs. Kinnard, Leviston, Lynd, Read, Riley, Trafton, Welburn and Howk, Speaker—8.

And so said amendment was agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled, an act to provide for the inspection of salt, beef and flour was read a third time, as amended, and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

The engrossed bill from the senate entitled, an act to cause the state road road leading from New Albany in Floyd county, through Corydon and Fredonia, to Princeton to be opened, was read the third time, as amended, and passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

Mr. Kinnard moved that the rules of the house be dispensed with and the bill appointing commissioners to select and survey the lands granted to the state of Indiana, by the late treaty between the United States and the Potawatamie tribe of Indians, for the construction of a road from Lake Michigan via Indianapolis to some convenient point on the Ohio river, be now taken up.

Which motion was decided in the negative.

The house then adjourned until two o'clock.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Marshall from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, to wit:

An act in addition to an act entitled, an act authorizing the laying off certain state roads and appropriating one hundred thousand dollars of the three per cent. fund for opening the same, and the several acts amendatory thereto;

An act to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein;

An act relative to navigable streams declared highways by the ordnance of 1787;

An act to organize probate courts and defining the powers and duties of executors and administrators;

An act for the relief of the securities of Samuel Stanley, deceased, late collector of the county of Jackson; and,

A memorial to the congress of the United States, relative to the French Lick township of land; and find the same truly enrolled.

Whereupon,

The speaker signed said acts and memorial.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Welburn moved to take up the bill appointing commissioners to select and survey the lands granted to the state of Indiana, by the late treaty between the United States and the Potawatamie tribe of Indians, for the construction of a road from Lake Michigan via Indianapolis to some convenient point on the Ohio river.

Which motion was decided in the negative.

The following message was received from the senate, by Mr. Test, their assistant secretary, to wit:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives that the senate has adhered to their disagreement to the amendment proposed by the house of representatives to the proposed amendment of the senate, to the second amendment proposed by the house of representatives to the engrossed bill from the senate entitled, an act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river.

The senate has passed an engrossed joint resolution of the state of Indiana, authorizing the printing of the act relating to the school lands; in which the concurrence of the house of representatives is requested.

The above named joint resolution was read the first, second and third times and passed, the rules of the house having first been dispensed with.

Ordered, That the clerk inform the senate thereof.

Mr. Craig moved that the committee of the whole house to whom was referred the bill supplementary to the several acts now in force for assessing and collecting the revenue be discharged from the further consideration thereof.

Which motion was carried in the affirmative.

Mr. Elliott then moved to lay said bill on the table.

Which motion was also carried in the affirmative.

The engrossed bill from the senate entitled, an act for opening and repairing public roads and highways, approved January 24, 1828, was read a third time, as amended; and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Boon, Child, Crume, Dufour, Dumont, Dunn, Elliott, Finley, Goodhue, Hendricks, Leviston, Lomax, Long,

M'Intire, Morris, M'Pheeters Orr, Pabody, Pennington, Robb, Sample, Slaughter, St. John, Steele, Trafton, Wallace, Welburn, Williams, Worth and Young—31.

And those who voted in the negative are,

Messrs. Bassett, Blair, Brown, Craig, Dufour, Frisbie, Hillis, Julah, Kinnard, Levenworth, Lynd, Marshall, Moyer, Palmer, Pollock, Read, Ritchie, St. Clair, Stewart, Sweetser, Taylor, Work and Howk, speaker—22.

And so said bill passed.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

Mr. Robb moved to take up the bill supplementary to the several acts for assessing and collecting the revenue, (which bill provides for an advalorem system of taxation.)

And the ayes and noes being required thereon by two members,

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, Craig, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Kinnard, Long, Morris, Orr, Palmer, Read, Ritchie, Robb, St. John, Sweetser, Taylor, Welburn, Worth and Young—25.

Those who voted in the negative are,

Messrs. Bassett, Bell, Blair, Child, Crume, Elliott, Finley, Goodhue, Hillis, Lemon, Levenworth, Leviston, Lomax, Lynd, Marshall, M'Intire, M'Pheeters, Moyer, Pabody, Pennington, Pollock, Sample, Slaughter, St. Clair, Steele, Stewart, Trafton, Wallace, Williams, Work and Howk, Speaker—31.

And so said motion was decided in the negative.

Mr. Hendricks asked and obtained leave to withdraw the petition of Allen Prior and the remonstrance of John Fugit and others, and the petition of Micajah Rutherford and others.

Mr. Long asked and obtained leave to withdraw the communication of the governor relative to the claim of certain officers, as witnesses, on the trial of Col. Hinton.

Mr. Craig asked and obtained leave to withdraw the petition of sundry citizens of Ripley county, on the subject of changing the mode of doing county business in said county.

On motion of Mr. Pennington,

Resolved, *unanimously*, That the house tender their thanks to Isaac Howk, speaker, for the able and impartial manner in

which he has presided over this house during the present session of the general assembly.

Mr. Sample moved to take up the bill appointing commissioners to select and survey the lands granted to the state of Indiana by the late treaty between the United States and the Potawatamie tribe of Indians, for the construction of a road from Lake Michigan, via of Indianapolis to same convenient point on the Ohio river.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Bell, Boon, Brown, Crume, Elliott, Finley, Goodhue, Hillis, Kinnard, Leviston, Lomax, Marshall, M'Intire, Orr, Pabody, Palmer, Robb, Sample, Slaughter, St. Clair, St. John. Steele, Taylor, Welburn, Worth and Young—26.

Those who voted in the negative are,

Messrs. Allen, Bassett, Blair, Child, Craig, Dufour, Dumont, Dunn, Frisbie, Hendricks, Judah, Lemon, Levenworth, Lynd, Morris, M'Pheeters, Moyer, Pennington, Pollock, Read, Ritchie, Stewart, Sweetser, Trafton, Wallace, Williams, Work and Howk, Speaker—37.

And so said motion was decided in the negative.

Mr. Frisbie asked and obtained leave to withdraw the petition of sundry citizens of Spencer county, praying a relocation of their county seat, and also to withdraw a remonstrance of the citizens of said county on the same subject.

Mr. Brown also had leave to withdraw the petition of Adam Conde and others, praying the location of a certain state road therein named.

On motion of Mr. Sweetser,

Resolved, That the Rev. Mr. John, a member of the house of representatives, be requested to close the present session of the general assembly by solemn prayer, and that the senate be informed thereof and their attendance be requested in the house of representatives, and that seats are prepared for them on the right of the speaker's chair.

The following message was received from the senate by Mr. Test their assistant secretary:

Mr. Speaker—I am instructed, by the senate, to inform the house of representatives, that the senate insist on their 4th amendment proposed by them to the engrossed bill from the house of representatives, entitled an act making specific appropriations for the year 1829;

The senate has passed an engrossed joint resolution, from the house of representatives, relative to the 3 per cent. fund, with an amendment, in which the concurrence of the house of representatives is requested.

The senate disagree to the 5th and 6th amendments proposed by the house of representatives to the engrossed bill, from the senate, entitled an act to provide for the inspection of salt, beef and flour.

The senate concur in the amendments proposed by the house of representatives to the engrossed bill, from the senate, entitled an act to cause the state road leading from New Albany, in Floyd county, through Corydon and Fredonia, to Princeton, to be opened, with an amendment to the 4th amendment proposed by the house to said bill, in which the concurrence of the house is also requested.

On motion of Mr. Pennington,

The house receded from their disagreement to the 4th amendment to the first named bill in the foregoing message.

On motion of Mr. Hillis,

The house receded from the 5th and 6th amendments proposed by them in the second named bill in said message.

Ordered, That the clerk inform the senate thereof.

The question being put, Will the house concur in the amendment proposed by the senate, to the joint resolution above named, which amendment was appropriating $50 for the purpose of building a bridge across Huff's creek, in Jackson county.

And the ayes and noes being required thereon by two members:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Bell, Boon, Child, Craig, Dufour, Dumont, Dunn, Frisbie, Lemon, Judah, Levenworth, Leviston, Lomax, Long, Marshall, M'Intire, Morris, M'Pheeters, Moyer, Pennington, Pollock, Read, Ritchie, Robb, Sample, Slaughter, St. Clair, Steele, Stewart, Wallace, Williams and Work—35.

Those who voted in the negative are,

Messrs. Brown, Crume, Finley, Hendricks, Hillis, Kinnard, Orr, Pabody, Palmer, St. John, Sweetser, Taylor, Trafton, Welburn, Worth, Young and Howk, Speaker—17.

And so the house concurred in said amendment.

Ordered, That the clerk inform the senate thereof.

The house also concurred in the amendment proposed by the

senate to the 4th amendment proposed by the house to the last named bill in said message.

Ordered, That the clerk inform the senate thereof.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate to inform the house of representatives that the senate has concurred in the amendments proposed by the house of representatives, to the engrossed bill from the senate, entitled, an act for opening and repairing public roads and highways, approved, January 24, 1828.

Mr. Marshall from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, to wit:

An act concerning the Wabash and Miami Canal;

An act to amend an act for assessing and collecting the revenue, approved, January 30, 1824;

A joint resolution of the state of Indiana authorising the printing the act relating to the school lands; and find the same truly enrolled. When

The speaker signed the said act and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. St. Clair, from the joint committee for enrolled bills, reported that they did, on this day, present to his excellency the governor for his approved and signature, the following enrolled bills, entitled "acts," to wit:

An act to amend the several acts regulating the judicial circuits and fixing the time of holding courts therein;

An act to organize probate courts and defining the powers and duties of executors and administrators;

An act relative to navigable streams declared public highways by the ordinance of congress of 1787;

An act for the relief of the securities of Samuel Stanley, deceased, collector of the county of Jackson;

An act in addition to an act entitled an act authorising the laying off certain state roads and appropriating one hundred thousand dollars of the three per cent. fund for opening the same, and the several acts amendatory thereto; and

A memorial to the congress of the United States relative to the French Lick township of land.

And then the house adjourned until to-morrow morning 6 o'clock.

SATURDAY MORNING, JANUARY 24, 1829.

The house met pursuant to adjournment.

On motion of Mr. St. Clair,

Resolved, That a committee be appointed to act with a similar committee to be appointed on the part of the senate to inform his Excellency the Governor that the two houses of the General Assembly have gone through with their legislative business and are now ready to adjourn *sine die*, provided he has no further communication to make to them.

Whereupon,

The speaker appointed Messrs. St. Clair and Leviston that committee.

Ordered, That the clerk inform the senate thereof.

Mr. Marshall, from the joint committee for enrolled bills reported, that they have compared the enrolled with the engrossed bills entitled acts, to wit:

An act to provide for the inspection of salt, beef and flour;

An act making specific appropriations for the year 1829;

An act to cause the state road, leading from New Albany in Floyd county, through Corydon and Fredonia, to Princeton to be opened;

An act to amend an act entitled, an act for opening and repairing public roads and highways, approved January 24, 1828;

A joint resolution relative to a portion of the three per cent. fund;

And find the same truly enrolled.

Whereupon,

The speaker signed the bills and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. St. Clair from the joint committee for enrolled bills, reported, that they did, on this day, present to His Excellency the Governor for his approval and signature, the following enrolled bills, entitled "acts," to wit:

An act to amend the act entitled an act for assessing and collecting the revenue, approved January 30, 1824;

An act concerning the Wabash and Miami canal; and,

A joint resolution of the general assembly of the state of Indiana, authorizing the printing of the act relating to the school lands.

The following message was received from the senate, by Mr. Test, their assistant secretary, viz:

Mr. Speaker,

I am instructed by the senate, to inform the house of repre-

sentatives, that the senate has adopted the following resolution, viz:

Resolved, That a committee of two be appointed, on the part of the senate, to act with a similar committee appointed on the part of the house of representatives, to wait on his excellency the governor and inform him that both houses have gone through their legislative business, and to know of him whether he has any further communications to make to this general assembly, and the house of representatives be informed thereof; and Messrs. Clark and Sering were the committee appointed on the part of the senate.

Mr. St. Clair, from the committee appointed to wait on "the governor, and inform him that both houses having now gone through their legislative business are ready to adjourn *sine die*, provided he should have no further communication to make to them," reported, that said committee has performed that duty, and has received for answer from the governor, that he has no further communication to make to them, except reporting some bills as having received his approbation and signature.

The following message was received from his excellency the governor, by Mr. Quarles, his private secretary:

Mr. Speaker,

I am requested by his excellency the governor to inform the house of representatives that he did on the 23d inst. approve and sign the following acts—

An act to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein;

An act relative to navigable streams declared highways by the ordinance of congress of 1787;

An act to amend the act entitled an act for assessing and collecting the revenue, approved January 30, 1824;

An act concerning the Wabash and Miami canal;

An act to change a part of the Bethlehem state road;

An act to amend the law regulating grist mills;

An act to establish a state road from Shelbyville, by the way of Marion, in the county of Shelby, Greenfield, in the county of Hancock, to Andersontown, in the county of Madison, and for other purposes; and

An act to organize probate courts and defining the powers and duties of executors and administrators; all of which originated in the house of representatives.

Mr. St. Clair from the joint committee for enrolled bills, reported, that they did, on this day, present to his excellency for his approval and signature, the following enrolled bills, entitled "acts," viz:

An act to provide for the inspection of salt, beef and flour;

An act making specific appropriations for the year 1829;

An act to cause the state road leading from New Albany, in Floyd county, through Corydon and Freedonia, to Princeton, to be opened;

An act to amend an act for opening and repairing public roads and highways, approved, January 24, 1828; and

A joint resolution relative to a portion of the three per cent. fund.

The following message was received from his excellency the governor, by Mr. Quarles, his private secretary:

Mr. Speaker—I am requested by his excellency to inform the house of representatives, that he did, on this day, approve and sign

An act making specific appropriations for the year 1829;

A joint resolution relative to a portion of the three per cent. fund; all of which originated in the house of representatives.

A message was received from the senate by Mr. Test, their assistant secretary, announcing that the senate had adopted the following resolution, viz:

Resolved, That the house of representatives be informed that the senate having gone through their legislative business are now ready to adjourn *sine die*.

Mr. Pennington then moved that this house do now adjourn *sine die*; upon which the speaker rose from his chair and addressed the house, as follows:

Gentlemen of the House of Representatives,

I rejoice with you, that the labors of our present session are brought to a close, that we may return to the walks of private life, and mingle again with our neighbors and friends. Since the organization of our state government, I believe there has been no session of the General Assembly at which more business, both of local and general interest to the people, has received the sanction of their representatives. How far our acts may tend to promote the interest and prosperity of our state, time only can determine—but whatever may be their result, I am confident, that they are the offspring of an ardent desire for the promotion of the public good. If in the course of our deliberations, through difference of opinion, collision of interest, or over-zeal in the service of our constituents, any unfriendly feelings may have been excited, permit me to request, that with the close of our session, those feelings may be buried in eternal oblivion, and that the attachments naturally

formed by our mutual exertions in the service of our country, may last with our lives. For the very kind and liberal support which you have, collectively and individually, at all times, cheerfully rendered me in the discharge of the arduous duties of the chair, for the dignified deportment you have so uniformly manifested, as seldom, if ever, to require the interposition of a presiding officer, and for the very honorably testimony of your approbation, recently expressed, of my official acts, I give you my most sincere thanks. The recollection of the many acts of friendship and kindness, I have received at the hands of each of you, will be ever cherished with the most lively feelings of gratitude. In parting from this theatre of our public action, where we all shall never again assemble, carry each of you to the bosom of your family and friends, my most fervent prayers for your prosperity and happiness.

And then the house adjourned SINE DIE.

J. F. D. LANIER, *Clerk*
Of the House of Representatives.

1828

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(C.)

A statement of the situation of the 3 per cent. fund, December 1, 1828.

No. of roads.	Road Commissioners—Presidents first named.	Apportionment to each road.	Drafts paid.	Balance due.
2	John I. Neely, Samuel Emmison, James Wasson	6,531 09	6,531 09	
3	Archibald Campbell, James Robb, John Case,	2,569 41	2,569 41	
4	Andrew Cavitt, Thomas Givan, James Smith,	2,570 16	2,373 54	196 62
5	Isaac Montgomery, G. W. Teeyault, William Backer,	2,920 71	2,681 44	239 27
6	William M'Cormick, Benjamin Stafford, Willis Traylor,	4,758 93 1-2	4,131 44	627 49 1-2
7	Michael Buskirk, Samuel Snyder, Joseph D. Clements,	4,572 22	4,183 34 1-2	388 87 1-2
8	Samuel Chambers, John Anderson, Thomas Posey,	7,145 54	7,070 76	74 78
9	William Baird, G. W. Boone, Richard Beem,	7,997 02	7,995 02	2 00
10	Hugh M'Pheeters, Seth Woodruff, William Richards,	2,540 70 1-6	2,199 76 1-6	340 94
11	John G. Clendenin, John M'Donald,	4,744 99	4,402 25	342 74
12	William P. Twilly, Joel Combs, Samuel Gwathmey,	2,546 91	2,365 61	181 30
13	John M. Lemon, Benjamin Ferguson, William Marshall,	3,048 73	2,626 16	422 57
14	William Plasket, William Reddick, James Ward,	2,845 23	2,776 20	69 03
15	Joshua Wilkinson, William C. Barnwell, Samuel Wilson,	5,554 43	5,554 36	07
16	Simeon Slawson, Joseph Malin, A. W. Stewart,	2,969 79	2,969 72	07
17	Stephen Ladlow, John Walker, Timothy Davis,	5,939 68	5,939 68	
18	Samuel Shirk, David Mount, John Davis,	3,591 29	3,551 60 3-4	39 68 1-4
19	Zachariah Ferguson, John Perrin, Stanhope Royster,	3,809 05	3,809 05	
20	J. C. Kibby, Patrick Baird, Isaac Abrahams,	3,932 14	3,932 14	
21	John Way, Jesse Moorman, Joshua Foster,	2,506 44	2,274 57	231 87
22	James Blake, John M. Coleman,	897 36 1-2	822 36 1-2	75 00
23	James Lewis, John Barrickslow, Samuel Purcell,	937 83	937 83	
24	William Ballow, Peter Amerman, Franklin F. Sawyer,	428 07 1-2	428 07 1-2	
25	Wabash Fund,	4,320 72	147 34	4,173 38
26	James M'Kinney, R. M'Intire, A. Sargeant,	391 34 5-6	211 08 5-6	180 26
27	John Cassidy, John Riggs,	2,125 33	1,698 22	427 11
28	Thomas Bradford, James Ball, Philip Hart,	824 21	824 21	
29	William Sanders,	840 59	840 59	
30	James Blake, William Conner,	500 00	500 00	
31	William Polke, (special appropriation,)	114 00	114 00	
32	Samuel Hinman, Paul Castleberry, Reuben Bates,	782 91	478 83	304 08
33	Rezin Davis,	676 15	676 15	
34	Chester Elliott,	50 00	50 00	
35	Dennis Ball, Demas L. M'Farland, Edward Hobson,	490 00	490 00	
36	James Scott, Zenas Beckwith, Morgan Shortledge,	49 00		49 00
37	Paton Wilson, James Thompson, James Talbott,	207 88 1-2	207 88 1-2	
		$96,729 88	88,363 73 3-4	8,366 14 1-4

Received from the Treasury of the United States, June, 1822,	$32,629 40	
May, 1823,	17,857 84	
March, 1824,	11,462 73	
April, 1825,	10,798 09	
May, 1826,	7,176 97	
March, 1827,	7,359 54	
May, 1828,	8,887 75	
	96,165 33	
Received from State Treasury on acc't of Canal fund; see act 1828,	2,550 00	
		$98,715 33
Retained to meet Agent's commission,		1,981 36
		96,734 02
Postage paid S. Henderson for Receipts, up to May 21, 1828,		4 14
Apportioned to the different roads,		96,729 88
Commissioners drafts reported last year $79,490 40 11-12		
Drafts since paid and now reported, 8,873 32 10-12		
		88,363 73 9-12
Balance remaining on hand,		$8,366 14 1-4

B. I. BLYTHE, Agent 3 per cent. fund.

Indianapolis, December 1, 1828.

B.

Agent's Office, Indianapolis, Dec. 1, 1828.

In obedience to an act, approved January 26, 1827, I make the following statement of reports received from Road Commissioners, to wit:

No. of Road.		Draft paid commissioners.	Expended by commissioners, in opening and improving reports.	Damages awarded individuals per reports.	Commissioners services.	Surveyors chain carriers and markers.	Clerks recorders and other fees.	Balance in commissioners hands per report.	True balance due com'rs.	Balance due commissioners per report.	Amount unaccounted for.
2	Cash paid commissioners.	6531 09	4945 48		871 50	234 50	4 10	145 83			329 68
3	do.	2569 41	690 93		316 37		14 51	4 30			1543 30
4	do.	2373 54	1669 27	78 20	415 00	192 00	9 06	10 01			
5	do.	2681 44	2266 95		220 50	78 00	6 12	89 87			20 00
6	do.	4131 44	3910 67		512 72	250 00	15 00			627 49	
7	do.	4183 34 1-2	2974 82	108 50	962 75	141 00			3 73	126 81 1-2	
8	do.	7070 76	5789 57	29 04	528 25	190 00	25 00				508 90
9	do.	7995 02	5336 06	30 64 1-2	1276 50	330 25	4 00				1282 56 1-4
10	do.	2199 76 1-6	1729 89 3-4	20 93 3-4	322 00	93 00		32 92 1-2			
11	do.	4402 25	3617 72 3-2	112 00	538 91 1-2	133 25					35 3-4
12	do.	2365 61	no report								
13	do.	2626 16	294 00		24 50						2307 66
14	do.	2776 20	1844 17		520 12	75 00					336 91
15	do.	5554 36	3555 18	147 16 1-2	816 62 1-2	215 62 1-2	39 75	3 43 1-2			486 24
16	do.	2969 72	2219 02 1-2		362 25	52 87 1-2					335 57
17	do.	5939 68	5078 81	37 50	715 75	144 29				36 67	38 33
18	do.	3551 60 3-4	no report								
19	do.	3809 05	1871 97	756 30	432 25	241 00	25 92			17 81	481 61
20	do.	3932 14	2671 43		373 05 3-4	134 84	17 25				736 56
21	do.	2274 57	1780 27		355 25	128 50	4 50	6 25			
22	do.	822 36 1-2	471 50		163 18	150 75		36 00			93 1-4
23	do.	937 83	519 04		260 75	41 62 1-2	12 1-2	29 91			86 28
24	do.	428 07 1-2	no report								
26	do.	211 08 5-5	23 68 1-2	42 17	44 00	8 00	50	92 70 3-4			
27	do.	1698 22	1502 85		150 50	43 00	8 25			6 37	
28	do.	824 21	280 00		99 75	69 92	5 00				369 54
29	do.	840 59	235 40		46 07 1-2					4 98 1-2	594 13
30	do.	500 00	341 59 3-4		71 25	87 15 1-4				94 84	
32	do.	478 83	207 24		168 75	167 00	21 00				408 77 3-4
33	do.	676 15	236 97 1-2		16 00	3 75		10 66 3-4			
34	do.	50 00	no report								
35	do.	430 00									78 80 1-4
37	do.	207 86 1-2			44 25	92 83					

Road 2. In the column of amounts unaccounted for, stands $329 68 which is caused by that sum having been drawn about the time the report was made to me, a few of the other reports were made under like circumstances, the remainder from various causes. A part of the commissioners having failed to report in 1828, the sums paid them during the year are carried to that column. A few are unable from having done their business loosely, and others appear unwilling to report.

" 3. The commissioners on this road have made their reports. It will be recollected that they made a report last year which neither the committee on roads (in the Senate) nor myself, could understand In their amended report of this year, they make a charge of $19 25 for the two reports. I informed them that in my opinion the Legislature would not allow the charge. They afterwards made a third report, and left out that item, but the sum total for services, was about the same.

" 6 This board report that they have received near $600 more than is charged to them, and will not be convinced that they are mistaken.

" 9. The commissioners in their reports, have not made out the balances in their hands.

" 13. The commissioners have lost their books and papers, and have only been able to report the expenditures of the present year.

" 19. This board have no monies on hand, but have failed to report in full. The damages paid should be something like $1300.

Some of the commissioners are in the habit of taking contracts for working on their own roads, which may be correct when done at a reasonable price. A few are in habit of coming to this place for their money at a charge of $1 75 per day when the collectors of State Revenue would take their drafts and pay them their money at home.

I have to remark for your consideration, that I have double the labour the late Agent had in discharging the duties of the office, and do not receive more than one third the compensation allowed him.

Respectfully submitted,

B. I. BLYTHE, *Agt. 3 per cent. fund*

(A.)

overnor, and

overnor.

	ABLE C. PEPPER.	CONVENTION.	NO CONVENTION.	SCATTERING.
0	241	293	83	
4	110	no return	no return	
5	73	do.	do.	
0	202	do.	do.	
0	176	do.	do.	
2	532	do.	do.	
8	20	do.	do.	
2	223	do.	do.	
8	432	do.	do.	
7	218	57	390	
3	375	644	1418	
0	438	no return	no return	
1	86	"	"	

APPENDIX (A.)

Tally paper for Governor, and Lieutenant Governor.

COUNTIES.	J. B. RAY.	H. H. MOORE.	J. T. CANBY.	HILTON STAPP.	ABLE C. PEPPER.	CONVENTION.	NO CONVENTION.	SCATTERING.
Warrick	50	76	217	70	241	293	83	
Vanderburgh	43	156	99	174	110	no return	no return	
Spencer	236	61	60	85	73	do.	do.	
Daviess	337	130	123	360	202	do.	do.	
Owen	204	145	60	200	176	do.	do.	
Monroe	168	98	536	262	532	do.	do.	
Jennings	394	74	41	478	20	do.	do.	
Putnam	279	273	192	452	223	do.	do.	
Fayette	613	227	342	718	432	do.	do.	
Montgomery	142	78	235	227	218	57	390	
Wayne	1559	168	434	1743	375	644	1413	
Franklin	512	573	237	550	438	no return	no return	
Vigo	225	358	76	561	86	"	"	
Rush	500	331	241	462	576	"	"	
Delaware	45	41	34	51	43	"	"	
Morgan	327	137	92	452	95	"	"	
Madison	126	50	06	177		"	"	
Knox	390	158	326	454	402	"	"	
Sullivan	105	132	314	201	383	"	"	
Floyd	156	151	409	181	504	"	"	
Tippecanoe	105	87	70	155	103	"	"	
Warren	64	34	20	87	26	17	108	
Dubois	171	18	84	36	137			
Martin	111	92	103	183	85			
Allen	43	78	14	93	40			
Carroll	08	37	77	35	36			
Henry	470	63	37	453	68			
Hancock	83	21	02	84	15			
Jefferson	628	360	506	1143	337			
Pike	110	97	73	79	79			
Parke	218	172	278	453	202			
Orange	41	335	570	133	627			
Green	188	171	188	237	243			
Washington	531	496	504	170	1187	601	932	
Gibson	19	215	357	153	289			
Switzerland	316	219	393	232	691			10
Clark	335	355	716	593	739	563	770	
Randolph	93	131	116	191	113			
Scott	249	114	58	228	175	289	110	
Shelby	170	250	256	159	493			
Johnston	253	87	69	273	47			
Hendricks	103	70	64	140	94			
Hamilton	147	74	11	216	05			
Vermillion	177	193	106	276	193			
Union	343	369	281	633	309			
Jackson	38	256	335	34	520			
Ripley	371	304	75	146	473			
Marion	600	259	56	737	159			
Bartholomew	233	214	173	313	278			
Decatur	446	127	127	177	506			
Clay	47	35	29	79	33			
Harrison	350	768	203	455	392	593	588	
Perry	279	123	36	119	22			
Crawford	170	276	33	356	71			
Lawrence	196	95	755	141	741			
Dearborn	846	588	674	275	1810	308	1779	
Fountain	114	141	258	217	238	131	342	
Posey	64	208	524	203	451			
	15141	10904	12315	17895	17262			

I do hereby certify the above to be true and correct.

J. F. D. LANIER, *Clerk.*

December 3, 1828.